BENGAL SECRETARIAT LIBRARY

# PRIMITIVE CIVILIZATIONS

OR

## *OUTLINES OF THE HISTORY OF OWNERSHIP IN ARCHAIC COMMUNITIES*

BY

E. J. SIMCOX

AUTHOR OF "NATURAL LAW," ETC

VOLUME I

London

SWAN SONNENSCHEIN & CO

NEW YORK: MACMILLAN & CO

1894

901
Si 611

BUTLER & TANNER
THE SELWOOD PRINTING WORKS
FROME AND LONDON

4176

To J. H. S.

*In correcting these volumes for the press, you will have observed, Sweet Heart, that great part of the wisdom of the Egyptians and the wisdom of the Chaldæans, not to speak of the Chinese or other ancient nations, lay in this: that they thought much of mothers. To whom, then, but you can I dedicate these echoes of world-old humanity, gathered to show by what habits and forbearances the sons of women may live long and gladly, in all regions where heaven gives, earth brings forth, and the waters bear along the fruits of industry?*

# PREFACE.

THE following volumes are not put forward as a substitute for the monographs, which Egyptologists and other specialists still hesitate to produce, because of the gaps alike in their material and their knowledge. The object is rather to enable the economic student to utilize the crumbs that have fallen already from the explorers' table. If, in bringing the fragments together, any acceptable light is cast upon the bearing of original documents, it will be a small return for great obligations.

The comparative scarcity of notes and references must be attributed solely to considerations of space; references to a number of conflicting authorities, without any discussion of the inferences drawn from them, are useless or misleading; and full discussion, with an apparatus of *pièces justificatives*, has a tendency to produce notes as long as the text, or even (as in the case of some admirable German monographs) considerably longer. In the second volume particularly, where it has sometimes been necessary to condense the history of half a century into three lines, the multiplication of references seemed as much out of place as in any equally condensed School History. In the later chapters, when no authority is quoted, it is because the statements made can be verified in any one of half a dozen accessible books of reference.

All actual citations have been acknowledged, but, as the notes do not profess to supply a bibliography, the references given are sometimes, out of gratitude, to the earliest, and sometimes, for convenience, to the most accessible, instead of always to the last or best version of a text. Contemporaries of Dr. Erman, for instance, hardly need to make the acquaintance of Chabas, whose name, however, cannot be omitted from a list of those to whom the writer's obligations are greatest. Besides the gratitude due to every original recorder of authentic facts and to every cautious and courageous translator of authentic texts, the writer is under the most special and extensive obligations to the works of MM. Brugsch, Maspero, Oppert; of Professors Revillout, Hommel, and Sayce; of Baron von Richthofen and Dr. Legge; and those of

the late E. Biot and Sir Henry Yule; unhappily the same epithet must be added to the names of Professor Robertson Smith and M. Victor Revillout. The list might be lengthened by the names of Prof. Ramsay, Dr. Glaser, Mr. Logan, Mr. Herbert Giles, M. Eugène Simon, the Rev. C. J. Ball, Prof. Douglas, M. Terrien de Lacouperie, Sir Charles Elton, and so many others, that the reader would tire of the litany, though a word of special acknowledgment may be allowed for the courteous replies to every personal inquiry, accorded by every possessor of special information to whom the writer has applied.

In regard to the orthography of proper names, it is perhaps needful to explain that no system has been followed, except so far as possible to choose the most familiar form, or, where none is familiar, the shortest and least unpronounceable. A uniform and scientific system of transliteration, like that in the *Sacred Books of the East*, results in a number of unfamiliar forms. And, at the same time, when the reader, who is not interested in the exact value of Egyptian characters, is liable to meet elsewhere with forms differing as widely as Amenophis and Amenhotep, it is convenient to treat them as convertible. In Chinese, the names Chow and Tcheou are equally synonymous, and in general *Tch* and *Ou* instead of *Ch* or *W*, may be regarded as reminiscences of a French translator. But, in the present state of Chinese knowledge, it would hardly be useful, for instance, to refer to all the personages mentioned by De Mailla under different names from those used by him.

On matters of more importance, where the best authorities are disagreed, it is inevitable that the writer should sometimes have followed the wrong one, and will sometimes be thought to have done so, while the best lights of the moment are liable to be corrected by future discoveries; and in order not to exceed the limit of two volumes, a certain amount of interesting and relevant material has been omitted, of which well-informed readers may note the absence. With regard to all these points, and to other involuntary oversights and errors, it can only be hoped that they may not be found, upon the whole, to invalidate the general results, elicited as fresh material for economic students.

E. J. S.

# CONTENTS.


| CHAPTER | | PAGE |
|---|---|---|
| | INTRODUCTION | 1 |
| II. | PREHISTORIC PROBLEMS | 14 |

## BOOK I.

### *OWNERSHIP IN EGYPT.*

| | | |
|---|---|---|
| I. | THE MONARCHY AND THE ROYAL OFFICERS | 37 |
| | The Prehistoric Kingdom and the Nomes | 37 |
| | Egyptian Theory of the Ruler's Duty | 43 |
| | Hereditary and Appointed Officers | 48 |
| II. | THE ECONOMIC ORDER | 65 |
| | Fertility and Food | 65 |
| | Ancient and Modern Abuses | 73 |
| | Agriculture and Cattle Farming | 77 |
| | Administration through Stewards | 83 |
| | Slavery | 90 |
| III. | COMMERCE AND INDUSTRY | 94 |
| | Domestic and Foreign Traffic | 94 |
| | Art and Architecture | 100 |
| | The Praise of Learning | 104 |
| | Manufacturers and Apprenticeships | 106 |
| IV. | CASTE AND DESCENT | 108 |
| V. | THE MILITARY CLASS | 129 |
| VI. | THE NATIONAL RELIGION AND THE PRIESTHOOD | 144 |
| | The Worship of Animals and Natural Forces | 144 |
| | The Worship of Ancestors and Property in Tombs | 152 |
| | Proprietary Interests of the Priests as Undertakers | 162 |
| | Temple Property | 169 |
| VII. | CIVIL LAW AND CUSTOM | 181 |
| VIII. | DOMESTIC RELATIONS AND FAMILY LAW | 198 |
| | Domestic Relationships | 198 |
| | Proprietary Partnership of Wives | 204 |
| | Proprietary Rights of Children | 212 |

## BOOK II.

### *ANCIENT BABYLONIA.*

| | | |
|---|---|---|
| I. | SUMERIAN CIVILIZATION | 229 |
| II. | BABYLONIAN CHRONOLOGY | 252 |
| III. | THE ANCIENT CITIES OF SUMER AND AKKAD | 261 |

| CHAPTER | | PAGE |
|---|---|---|
| IV. | BABYLONIA AND ASSYRIA | 282 |
| | First and Second Babylonian Dynasties | 282 |
| | The Third (Kassite) Dynasty | 285 |
| | Obscure Dynasties (Fourth to Ninth) Contemporary with Rising Power of Assyria | 295 |
| | Babylonia and Assyria. From Tiglath-Pileser III. to Sargon | 304 |
| | From Senacherib to the Fall of Nineveh | 309 |
| | The New Babylonian Empire | 315 |
| V. | COMMERCIAL LAW AND CONTRACT TABLETS | 320 |
| | General Features | 320 |
| | Babylonian Mortgages | 323 |
| | Ancient Title Deeds and Contracts of the First Babylonian Dynasty | 327 |
| | Commercial Phrases in Bi-lingual Syllabaries | 339 |
| | Babylonian and Assyrian Deeds (Fourth to Ninth Dynasty) | 342 |
| | Later Babylonian Deeds and Lawsuits | 348 |
| VI. | DOMESTIC RELATIONS AND FAMILY LAW | 360 |
| | Akkadian Law Tablet | 360 |
| | Later Marriage Contracts and other Deeds executed by Women | 373 |
| | Filiation and Adoption | 377 |


## BOOK III.

## *FROM MASSALIA TO MALABAR.*


| | | |
|---|---|---|
| | FROM MASSALIA TO MALABAR | 383 |
| I. | THE PHŒNICIANS AND CARTHAGE | 389 |
| II. | PREHISTORIC POPULATIONS OF ASIA MINOR, GREECE, AND ITALY | 412 |
| III. | THE ETRUSCANS, LYCIANS, AND RHODIANS | 425 |
| | The Etruscans | 425 |
| | Lycia | 427 |
| | Rhodes | 441 |
| IV. | THE LAWS OF CHARONDAS | 445 |
| V. | LEGENDARY AMAZONS AND HISTORICAL IBERIANS | 454 |
| VI. | CRETE AND SPARTA | 465 |
| VII. | A SYRIAN LAW-BOOK | 487 |
| VIII. | ANCIENT ARABIA | 496 |
| | The Kingdoms of Ma'in and Saba | 497 |
| | The Nabataeans | 511 |
| | Bahrein, Sokotra, and the Sea Trade | 514 |
| | Traces of Pre-Islamitic Custom and Ethics in Modern Arabia | 521 |
| IX. | HAMITIC AFRICAN TRIBES | 530 |
| X. | MALABAR | 545 |

BENGAL SECRETARIAT LIBRARY.

# PRIMITIVE CIVILIZATIONS.

## INTRODUCTION.

THE history of civilization is, in great measure, the history of the progressive appropriation by mankind of the various resources of the natural world. To know what men do and what they have is to know practically all that history can tell us about what they are.

Even Aristotle, in spite of his contempt for all forms of mechanical industry, was obliged, when endeavouring to reduce the elements of the State to their simplest form, to include the ideas of property and acquisition. He defines a possession as an instrument for maintaining life; and the history of ownership is, in fact, a history of the way in which people live, or of the things wherewithal they sustain their lives. What a man takes, what he enjoys, what he uses; what he appropriates or identifies with himself by custom, thought, and affection,—this more than anything else goes to build up the fabric of his everyday existence. But, as the objects which come to be regarded as property increase in number, the social and political significance of their possession increases also; and we have to learn, not only what commodities are regarded as wealth in each community, but also how they are obtained or produced, under what conditions and for what considerations they circulate or change hands, and what conditions law and custom impose on their final possession, enjoyment, or use.

A complete history of ownership would thus furnish a complete history of civilization, or of the human race; for the character of religious beliefs, the state of art and science, and the course of political and social development are all reflected in proprietary institutions. Clearly, then, it is as impossible to write a universal history of ownership as a universal history of man. All that is possible, and all that it can be even useful to attempt, is to describe some prominent and representative types of law and custom, giving precedence, naturally, to those which have obtained over the widest space, or for the longest time, and have therefore left the least meagre records of their character. The eccentricities of savage tribes or civilized nations are of less importance than those enduring or recurring usages, which experience has shown to meet some permanent want, or express

some deep-rooted tendency, of human kind. It is true that the most widespread and enduring usages are not so uniformly beneficial as to serve always the purpose of an example for imitation, but they have at least one advantage over purely visionary schemes of social organization, which have never been realized in fact. They are certainly possible. And we may learn from States which have lasted for thousands of years, in spite of their defects, how we, whose failings lie in other directions, might give stability to the foundations of the social fabric, without cramping its plan or stereotyping its details.

The use of history is not to sum up the varied experience of the past in a compact formula, but to enlarge our vision of the present by a reflection of past and future possibilities. What lies behind us is neither a direct advance along a single line of progress, nor yet a cycle of eternal self-repetition; and it is certainly within the power of historic science to discourage the repetition of the least successful social experiments of former times by tracing the causes and extent of their failure.

From some points of view it may seem as if the logical way to begin any sketch of the history of ownership would be to examine the psychological foundations of the human habit of acquisitiveness, as exemplified first among the lower animals and young children, and then among men at the lowest stage of civilization. Such a course has everything in its favour, except that it is not historical. Whatever we may know about modern Australians or Andamanese, whatever we may guess about our own flint-chipping progenitors, their experience does not belong chronologically to the first chapter of written history. Long before our ancestors had emerged from the savage state, into which we can only follow them with guesses, other races had reached their political prime, and secured for their proprietary institutions something of the fixity which we vainly covet for our own.

The earliest times of which we have any circumstantial knowledge are those in which we find States and nations having already reached the degree of civilization implied in the existence of written records. The primitive savages of antiquity have passed away, leaving no trace of their life beyond a few bones and such rude tools as have defied the force of time and weather. Our knowledge begins with the primitive civilizations of antiquity, with races already numerous and possessed of political, religious, and social ideas which are to a certain extent ascertainable.

Within historic times civilized nations have arisen, and the process of their development out of barbarism has gone on, as it were, in our sight. It is therefore natural to assume that ancient civilizations arose in the same way, out of the same elements; and, if this were so, we might begin the history of ownership by reconstructing, in imagination, the life and customs of the barbarians, who stood to the historical kingdoms of the ancient East in the same relation as Franks and Teutons to the kingdoms of the West.

But natural, and seemingly justifiable, as such an assumption would

be, it is, after all, an assumption only; nay, it is an assumption which carries with it a warning against any such imaginative reconstruction. There are fundamental differences between archaic and modern civilization, and we have no means of guessing what differences they point to in the antecedent state of society. If modern civilization is more complex than any archaic civilization, the records of which have reached us, it should follow that archaic savagery must have possessed a simplicity of which we can scarcely form a conception *a priori*, especially as it must be a simplicity not excluding the capacity for appropriate progress and development.

Modern progressive barbarians have been offshoots from a stock that has, somehow or other, come in fertilising collision with the products of an older civilization; and in their after career they have had either to conquer or submit to other races of varying degrees of cultivation. Hence the element of complexity, which we recognise to a certain extent in the civilization of Greece and Rome, and still more unquestionably in the history of modern nations. We are familiar with the manners and customs of non-progressive, barbarous populations, whose lives are simple enough; but we cannot recognise in them the representatives of the simple barbarians whose descendants founded the monarchies of Egypt and China. There must have been some undiscovered difference in the antecedents corresponding to the recorded difference in the results; and, as we do not know what this difference was, rather than supply the blank with guessing, this history will follow our sources in tracing first, the rights and usages of ownership recognised in the most ancient civilized States of the Eastern world, leaving the authentic records of barbaric life to furnish the first chapters of the second part of the narrative.

Egypt, Babylonia, and China are the three great seats of archaic civilization, and the ancient history of each is absolutely free from European influence. Two of them are remarkable for the permanence, as well as the antiquity of their national greatness; and all have left authentic records, from which we are able to reconstruct, to some extent at least, the outline of their social and industrial life, and to understand upon what principles they regulated that portion of it which had to do with possessions, or the instruments by which life is maintained. We do not attempt to guess what went before the birth of these nations. Their existence is matter of history, and, widely as their civilization differs from that of modern Europe, it differs not less widely from that of all the semi-civilized or semi-barbarous peoples with which European nations have come in contact in historic times. The points in which they resemble each other and differ from the rest of the world are mainly two; and these together are enough to explain why such nations arose, as and where they did, and also why the same phenomenon has not been more frequently reproduced in later times and other places.

That all life, growth, and beauty upon earth are born of the sun's light

and heat is a familiar fact; but it is not so generally understood that the life of the human mind, too, first started into splendid growth under the inspiration of the uninterrupted radiance of the same great power. A glance at a shaded map, showing the proportionate rainfall in all parts of the world, is in itself an historical revelation. Such a map, where the darkest shadows indicate continuous rain, will show also four white patches, representing the lands of cloudless sun. In the New World there are two such patches, a narrow strip along the coast of Peru, and a broader area in Mexico,—the two seats of advanced civilization in the whole double continent. In the Old World, as we know, Egypt is included in such a region, which reaches its greatest breadth in the Sahara, but sends out a loop eastward embracing most of Arabia and Persia up to the mountains of Kabul. The fourth and last of these remarkable districts extends practically over Central Asia, from Kashgar on the west to the eastern mountains of Mongolia, and from the highlands of Tibet to the northern shores of what was once the Mediterranean Sea of Asia; it includes cities and oases of ancient fame and culture, such as Yarkand and Khotan, and others long since buried in the desert sands, as well as the whole route to be traversed by any stream of migration, that turned its face eastward from the Bolor Mountains, in a quest that could find no settled goal short of the fertile valley of the Wei, in China.

In three continents such a coincidence of climate and history does not befall by chance, and a sound instinct led the first civilized dwellers in these fervent lands to deify the heavenly presence in which they saw, and saw truly, the father of their own greatness. But this same map shows us also rainless deserts that have given birth to no great nations, and are barren of all other life. The Sahara and the desert of Gobi have one condition of fruitfulness in ceaseless sun; but great kingdoms, it seems, only grow up where the land of ceaseless sun is watered by great streams fed from far away regions of almost ceaseless rain or snow; or, in other words, in fertile alluvial plains, traversed by great water highways. Such a position implies the possession by the earliest settlers of rich pastures and fertile arable land; domesticated animals and cultivated grains; abundant materials, both animal and vegetable, for clothing as well as food, and in all probability, some knowledge of metals brought from the highlands, whence races, like rivers, are wont to spring. Very few of the most advanced barbarous races possess all these advantages at once; and, as a crowning distinction, in the rainless lands, not too far removed from the Equator, the sun-god himself plays the drawing master through the cloudless days, teaching his apt and favoured worshippers how to perpetuate and dignify their history with a written record.

It may be a mere fancy that, where writing masters now trace their characters on the sand, the first framers of those characters traced in the same way the outlines of the shadows made by real objects; but it is a fact that hieroglyphic writing originated in lands with short clear shadows, and that the first delineation of natural figures would be rendered easier, if not

first suggested, by the shadow pictures thrown by the sun on every rock and wall, and needing only, as it were, to be traced, not copied. Such of the Egyptian hieroglyphs as are not conventionalized show just such a profile outline—of a bird, a tool, a human figure—as a system of silhouettes would furnish; and the art of Egypt, Babylonia, and Mexico all possess characteristics which would be by themselves suggestive of such an origin. Whether hieroglyphic writing originated in this way or not, writing of a more or less remotely hieroglyphic character is associated with all the primitive civilizations we have named, and the possession of such writing, together with the nature and resources of the country occupied, are the two chief, common determining elements in their after career.

The use of writing, even in its most cumbrous form, is at once a sign of intellectual superiority and the cause of further progress. It is easy enough to indicate a few simple facts or events by signs or pictures answering to the imitative gestures or sign language of the deaf and dumb. The North American Indians and some other uncivilized nations have got as far as this. But to make a written language as copious as speech and as flexible as thought is a very different achievement, and we can hardly exaggerate the importance of the first step towards it. If the air was full of ghosts, when living men told well-remembered tales of their grandfathers, what must have been the effect produced when dead men could leave words written on the living rock behind them, substituting a real posthumous influence for the incalculable intervention attributed to them at the whim of imaginative superstition? In more ways than one the historic period begins then. Men think of their own and other lives, before and after, as forming part of the same story; the race puts on a kind of immortality, and its leading minds begin to crave after theories and principles of correspondingly wide and lasting application.

It is true that there have been unlettered races since, with a rich oral literature, and the possession of an alphabet does not necessarily lead to the development of a philosophic polity, but it is at least reasonable to suppose that the archaic philosophy and the archaic character, which we find existing together, owed their existence to substantially the same outburst of intellectual vigour. The great pre-alphabetic civilizations did, as a fact, develop, together with their system of picture writing, a full system of social and political ethics; a theory of human life and duty, which has a claim on our attention, not merely because we find in it the earliest commentary of human reason on human conduct, but also because the theory thus presented was accepted, more simply and completely than perhaps has ever been the case since, by the whole community, as the base and groundwork of every-day custom, and the common standard by which the conduct of all classes in their relations to each other should be tried. The primitive generalizations as to the duty of men and rulers, which meet us in ancient Chinese and Egyptian texts, may not have been formulated before the art of writing was invented, and they certainly *were* formulated when the art was still comparatively young. In any case their potency when

written as well as formulated was increased, at least as much as that of the king whose conquests for the first time obtained a monumental record.

Up to a certain point, the invention of picture writing would give a fresh stimulus to thought. But while the thought of each generation is controlled by its language, the development of a written language is controlled by its character. Pure hieroglyphs can express direct narrative or precept, and are admirably adapted for the composition of magic texts in which mysterious images are to be suggested, the significance of which it is left to the imagination of dupes or adepts to fill in as they please. But such a character is less able than a spoken language to lend itself to the needs of abstract thought or reasoning. A system of debased hieroglyphs must either develop into an unwieldy alphabet or syllabary, or it must confine the thoughts of those who use it within the round of familiar, more or less visualized notions; or else, as in China and Egypt, it must end by accepting in a measure both drawbacks. It is not by a chance coincidence that all pre-alphabetic civilization is conservative in tendency; the remarkable thing is that the world's first attempts at civilization should have been so temperately and judiciously conceived as to admit of the permanence, which the genius of their founders and their literature tended to demand.

If we would know what a primitive people, with sun, water, and the art of writing to help them, would make of their life, in a fertile land, we must confine our attention mainly to China and Egypt, for in those two countries the problems of civilized life were worked out continuously and consistently, with the least possible disturbance or interruption from without. In Mesopotamia, on the other hand, where an empire of kindred origin and character flourished at an equally early date, instead of such isolation as Plato coveted and Egypt and China long enjoyed, the primitive state found itself planted in the very centre and focus of international and interracial communication.

Primitive States are always of modest dimensions; and Sumer and Akkad had no natural frontiers on a scale corresponding to the national development. Vigorous nationalities were rising up all round, and whether they came in war or peace, for conquest or for commerce, it was impossible to bar the way against invaders. So it comes to pass that the industrial history of the valley of the Euphrates, if not less instructive than that of the Nile or the Yellow River, is very different and in a way transitional. The Egyptians were cultivators and artists; the Chinese are cultivators and artisans. The Babylonian excelled alike in science, art, industry, and agriculture, and was moreover a trader and a merchant, the forerunner of the ancient Phœnician and the modern Jew; only at the very bottom of his heaps of ruins, below the traces left successively by Roman, Persian, and Semitic conquerors, we find traces of the primitive economy, which, left to itself, possessed so many elements of stability, and in any case exercised an influence, of which we can scarcely exaggerate the importance, upon

the thought and culture of the adjoining or superincumbent populations. In ancient Egypt we find the best stationary state at which the primitive civilizations of the Old World could arrive. China still survives, happily spared by the deluges of history, to show what the life of past geologic ages was really like.

To ancient Babylon, on the other hand, we owe the suggestions and some of the first motives by which men and nations are still unceasingly embroiled, with only the hope to comfort them that they may emerge out of the turmoil a trifle richer or stronger than before. Not that the primitive Akkadians invented or discovered our modern gospel of progress by catastrophe: it only happened to be their fate to dwell first in the land destined to serve as a battle ground for the ruling races of the world. Egypt and China led their own life, uncontrolled if not unmolested; the successive and rival empires of Mesopotomia had individually a briefer and less prosperous career, but they exercised a wider influence over the lives of other nations. Moreover, though power and prosperity were always changing hands, with almost modern frequency, in this central State, peace and prosperity were almost always to be found there; so that it seems as if the geographical position, which was fatal to political stability, was not equally injurious to those conditions of economic stability, originally perhaps shared by the Akkadians with their more secluded kinsmen and coevals.

Recent discoveries allow us to entertain as an hypothesis, though hardly yet to assert as a fact, that the nations thus superficially alike in circumstances, history, and temperament may have been also ethnologically allied. A possible community of origin, a real similarity in circumstances and temperament, resulting in a more or less complete similarity of institutions, are sufficient reasons for including the economic history of these three nations in the section to which they all belong chronologically, that is to say, in the first chapter of a history of ownership.

When the Old World was new and scantily peopled, the strongest offshoots of its ablest race gravitated towards the richest lands; but the usages which they share with feebler and less fortunate kindred must have existed in the germ before the separation, and have therefore been originally independent of the material abundance which founded the prosperity of the first great nations. We cannot attribute Egyptian greatness wholly to the spirit of the national customs and temperament, for the customs and temper have been shared by unhistoric peoples; we only know that they are, under certain conditions, evidently compatible with a fine development of national power and prosperity; and they have stood alone hitherto in their capacity for preserving such power and prosperity, when attained, for periods which the restless ambition of the West finds hardly credible.

The nations belonging to the group of which Egypt and China are representative are for the most part easy-going, pleasure-loving, and pacific, somewhat anarchic, in the strict sense of the word; that is to say, private life in them is little controlled by government or legislation; they are liberal, in the sense that public opinion always praised giving more than

getting, and required a free distribution of family property amongst the members of the household, and of State property among such members of the State as were in need; and they are also very strongly conservative, since all classes valued their life just as it was, feeling and believing that any change at any point must be a change for the worse. If we have to find a single word to describe the points in which these States resemble each other and differ from the modern world, which traces its intellectual parentage to Greece and Rome, it may be said that the civilization of the great civilized States of antiquity was domestic, and the civilization of European States political; that is to say, in ancient Egypt and Babylonia, and with some qualifications in China, the relations of family life and the details of domestic administration were entirely civilized and humane. As fighting States they were nearly as barbaric as their neighbours; foreign and domestic politics, in the modern sense, were equally non-existent, and there was virtually no political organization within the State; which is no doubt one reason why the otherwise stable fabric was so easily overturned or revolutionized by the introduction of foreign elements. But the customs of family life, agricultural and commercial usage, and the respect for history, philosophy, and art were, in many cases, actually in advance of those reached much later in States with a political civilization.

Politics, in the modern sense, the thing as well as the word, is no older than the cities of Greece and Rome; the political, as contrasted with the domestic civilizations are those in which the organization of public life and government is considered of the first importance, and in which the public administration occupies itself mainly in regard to foreign affairs, wars and treaties, and the interests of the Government as such. The moral and intellectual qualities of political races cause their private life also to emerge from barbarism, but in this case the private relations rather lag behind the public ones in urbanity and refinement. In the domestic States the unselfish kindness shown by the normal father and mother to their children furnishes the model which the Government, in the comparatively narrow sphere assigned to it, is expected to imitate and reproduce. In political States, on the other hand, the natural relations of parents and children, husbands and wives, masters and servants are apt to be obscured or perverted by the intrusion of analogies of political authority and subordination.

The economy of Egypt, China, and Babylonia differ in a thousand details, and the usages or institutions which were common to them did not, of course, receive equal development in all or perfect development in either. It would therefore be unhistorical to substitute the logical ideal which we can construct after the event for a record of the real, more or less tentative experiments made independently, though on parallel lines. The surviving records, which reflect their ancient life, tell us most concerning family relationships in Egypt, concerning commercial relationships in Babylonia, and in China most respecting the relations between the ruler

and the common people. In each case, of course, the comparative abundance of materials bearing on one or other subject is itself a sign of the relative prominence of that element in the national life. But the Egyptian mother or daughter, the Akkadian banker or commercial partner, the Chinese emperor or prime minister, are all figures that must have flourished in societies of identical type, with similar organization and ideals.

The term gynæcocratic has been applied to some of these communities, on the ground of their sharing the widespread archaic conception of family relationships, in which the mother is regarded as the natural head and namesake of the household; but it is scarcely appropriate, since the higher status and greater social influence enjoyed by women in these States did not result in their taking any greater share in the actual government, though it may have tended to minimise the action of the State in matters relating to the family. Primitive Babylonia alone shows signs of an actual precedence having been accorded at one time to women. In Akkadian texts we read of "women and men," "goddesses and gods," and there are other traces of the archaic principle of "Mutter-recht," which suggest the conjecture that the domestic civilizations may have started from this principle, as Roman custom and the laws and usages based upon it start from the theory of *patria potestas*.

Communities in which this "mother-law" prevails are supposed to be those in which the organization of family life has been so recently effected, that manners and customs still survive which presuppose its non-existence; and children are called after their mothers because their fathers are unknown. We propose to discuss savage and barbarous customs in connection with the tribes and peoples actually known to us during their savage and barbarous condition, rather than in connection with hypothetical pictures of the pre-historic state of historic nations. It would therefore be premature to investigate, *à propos* of Egyptian civilization, those cruder forms of family relationship which have been copiously discussed by Bachofen, Morgan, McLennan, and their critics and commentators. We can no more say why the Egyptian wife and mother enjoyed rights and privileges unknown elsewhere, than we can explain why Roman fathers took an equally exceptional view of their own prerogatives; but the singularities of Egyptian usage may be rendered somewhat more intelligible by comparison with the detached usages having the same genealogy which happen to have survived elsewhere.

There is no one of the leading traits of modern family life which can be put forward as so pre-eminently and absolutely natural as to be universal. Polygamy flourishes along with rarer experiments in monogamy, and has been practised by women as well as men. Children are sometimes reared and sometimes abandoned or put to death by their parents. Marriage is sometimes a light relation during pleasure on both sides, sometimes an indestructible bond, trebly woven of duty, inclination, and convenience, and sometimes it rests on a one-sided utility, involving the virtual slavery of wives; sometimes the authority of the father, sometimes

that of the mother, and sometimes that of both parents over their children is unrecognised, while elsewhere the authority of one—or it may be of both—is carried to the point of almost fantastical absoluteness. Our notion of what is natural in family relationships is compounded of all those features of family life which, upon a calm retrospect, appear to our present taste as useful and agreeable, wholesome and pleasant in their average mediocrity, and altogether beautiful and good in their perfection. The ideal of the present day has never been exactly realized in the past, but it may safely be said that no nation has attained to a civilization of any solidity and grace without organizing the domestic relations in a way that includes, at least, some ideal elements; and in what we have called the domestic civilizations, the organization of the family was complete at the earliest date to which our authorities extend.

Materials for the social and economic history of the ancient States, with a civilization of the domestic type, are only now beginning to be accessible, and, like the first missionaries in China, the pioneers of these studies startle us with their reports of an historic golden age in quarters yet undreamt of. It is argued, and with great plausibility, that the so-called *jus gentium*, the law of nations, to which the lawyers of later Rome resorted when desirous of correcting the narrow formalism of their own strict code, was not a mere metaphysical invention or imagination of their own, but that, in fact, this law represented the actual usage—or as much as Romans could understand of the usage—prevailing among the civilized nations which drew their inspiration, first or last, from Egypt and Chaldæa.

Without going so far as to advocate a return to the economy of China and Egypt, it must be admitted that, in the most literal sense, that order is nearer to the "state of nature" than our own; and therefore, whatever elements of good we can see in it to covet, cannot be ridiculed as out of reach, because it is against nature that they should be enjoyed. Still less need we hesitate to borrow directly any hints of wisdom that may be attainable now, from a source to which we are apparently already so much in debt. The correction of Roman law by the equity of the *jus gentium* bears a close resemblance to the correction of the English common law by the equity of the canon law, derived from the humanized ecclesiastical reading of Roman legislation, after the intervention of the *jus gentium*; and the seventeenth century writers on the law of nature and of nations added little of their own, while borrowing freely from the same sources. Thus twice already the aberrations of law from justice, in political nations, have been corrected or restrained by a reference to the usages which the Romans only half understood, and which are now more than half forgotten. And if, as will be seen, we have materials for judging afresh what the law of nations in pre-Roman times really was, we may claim to be better able than they to judge how much of it modern law and custom may profitably copy or adopt.

It cannot be said, to refer to a famous distinction, that *status* ruled in these earlier societies, and contract in those which have succeeded them;

for we meet with contracts of the most varied forms, touching the most vital relationships, at a very early date; but the contracts habitually entered into, in the States which resist progress and change together, were contracts in effect and intention *conservative of the existing status*, and that equally in the case of both parties to any normal and legitimate agreement. The stability attained was thus the result of free and deliberate, more or less conscious choice, not of blind habit or instinct. And it may be observed that no progressive society, resting upon freedom of contract, can attain security for the goods, which are the mark and guerdon of its progress, unless the free-will of the whole community is pledged, as in these ancient States, to exercise itself conservatively—a result which, of course, is out of sight, so long as large masses of the community are dissatisfied, either with the social order in which they find themselves, or with their own status therein.

The condition of the conservatism of ancient States was the content of all, and especially of the most numerous class, with their social status and the degree of material well-being habitual in it. The condition of this content, as we shall see, lay in the abundance of the food supply, and its distribution so as to meet the wants of all, and especially of the largest, labouring class. The experience of these communities is interesting and instructive, as showing the earliest and simplest solution of the problem how a nation can live in millions and have enough to eat. Man does not live by bread alone, and the Hellas of Homer, Phidias and Plato is known in the world's record office for quite different achievements. Yet the problem how to keep the people alive was not less real in those tiny States which failed to solve it adequately than in the great plain of China. Rome, again, lives by the memory of her great generals, statesmen, and the lawyers, whose originality is now impugned; not because, when her Scipios had degenerated into Cæsars, corn ships from every quarter of the known world bore food to Italy. While working out some other problems of statecraft, Rome has no economic lessons to teach, except in the way of warning; and between the Roman empire and ourselves we find nothing but beginnings, experiments, catastrophes, and a new beginning, which, it seems, nothing short of a miracle of good-will and intelligence can save from ending in a fresh catastrophe.

Out of the various experiments of the past, so much political and mechanical skill has been bequeathed to us, that plague, famine, and the ravages of war no longer stand between us and the problem how to feed the millions: we call it failure now to acquiesce in a stationary state in which they should be only fed,—kept alive on condition of claiming no share in the intellectual and political life which every aristocracy instinctively claims for itself. Yet even this failure we know it is beyond our power to achieve. On the one hand, if things go on at their present pace, we shall have to confront millions who are *not* fed; and, on the other, there are already millions who demand, not merely food, but a share in the amenities of civilized life.

It would be absurd to maintain that the democracy of Europe sees its own way clearly to the solution of political and economical problems which have never yet been solved conjointly. But destruction is an easier task than creation, and unless the force of democratic feeling is enlisted in support of the present social order, it may be trusted sooner or later to shift the incidence of its burdens by a revolutionary upheaval, leaving the world, it may be, in the long run little the better, but giving a momentary satisfaction to those whose present condition is such that no change in it can be for the worse. Conservatism is impossible in a State where this class is large.

To combine progress and stability, it is necessary, not to prevent all change of status on the part of individuals, but to establish laws and customs which shall make it impossible for large classes to contract themselves into an intolerably painful or injurious status; or for individuals to enter into contracts, however personally advantageous, which will in effect tend to produce such a result for the other parties concerned. Stability alone, without progress, cannot be achieved except upon these terms, and progress without stability means a succession of losses, compensated by gains which have no guarantee of permanence. But human nature differs little and changes slowly, so that all human experience is available for the guidance of the latest generations. And, in an age which has accomplished such marvels in the way of self-adjusting machinery and compensating balances as the present, it should not be impossible to assign the limits within which individual liberty of action must be confined in order to secure to the individual himself the supreme good of dwelling in a community without victims.

The first civilized race invented letters and the family; the second introduced the world to the conceptions of theology and theocracy; the third invented the State, and modes of administration which give some colour to the illusion that men may be governed by laws expressing the will of "a political superior." But men of all countries and colours are so much alike that differences of race, language, creed or custom can only be perpetuated by isolation, which grows day by day more impossible and incomplete. Every idea and observance to be met with now is the product of compound influences, and, saving such races as may be already in course of extinction, there is no portion of the human race naturally incapable of assimilating any sound doctrine or useful custom preached or practised by yellow, red, or white philosophers since wheat first grew in Mesopotamia.

We still look, as yet in vain, for a final synthetic inspiration, which shall enable the civilized world to combine and reconcile the detached ideals of the past; but we see more and more clearly that no good thing is naturally incompatible with another good; and that, when any valued edifice of the past is threatened with collapse, it is only for want of a firm foundation having been laid for it in some other corner-stone of social wisdom. And therefore we do not doubt the power of posterity to combine the realization of family affection and social well-being, as shadowed forth in the earliest

civilized States, with the possession of political freedom and activity as demanded by the heirs of Græco-Roman thought; while we believe the lasting character of both gains can be best assured, if accompanied by a clear vision of spiritual realities, such as was sought and sighed for by Semitic seers.

# PREHISTORIC PROBLEMS.

THE general resemblances between China, Egypt, and the kingdoms of Mesopotamia have been noticed by many writers, who regard them as accidental, or at least as the result of similar, not identical antecedents. The interest of their history does not depend on the community of their origin; but, as the study of their social and economic systems certainly tends to accentuate the resemblances, it is reasonable also to enumerate the considerations which favour the hypothesis of such an origin. The history of prehistoric times is blocked out, after a fashion, when every hypothesis is excluded which runs counter to sound linguistic, ethnological, or geographical data. And a certain presumption remains in favour of any theory which is not proved to be inconsistent with any of these three sets of conditions.

There is documentary proof that the art and the ethnological features of the earliest inhabitants of Egypt and Babylonia resembled each other, to an extent which can most easily be explained on the supposition of a near relationship between the two peoples. Such a relationship would be readily accepted, notwithstanding their geographical separation, were it not for the fact that they belong linguistically to two distinct families. But this objection itself loses its force, as the linguistic affinities of the Egyptians are any way with the tongues of Asia, not those of Africa; and on that ground alone the balance of opinion among scholars is in favour of their having migrated from the earliest settled parts of the former continent.

On the other hand, there is no ethnological difficulty in the way of a connection between the prehistoric Babylonians and the Chinese, and the linguistic difficulty is lessened by the fact that the languages of both belong to primary types, illustrating the earliest phase of grammatical divergence. It is therefore possible, without paradox or heresy, to imagine the ancestors of the Egyptians in contact with the primitive inhabitants of Babylonia, and there are only geographical obstacles in the way of similar contact between the latter and the ancestors of the Chinese.

To take the geographical problem first: In the mountainous district which connects the Hindu Koosh with the Tien Shan range, four great streams of ancient fame have their sources. The Oxus or Amu Daria flows thence westward and the Yarkand River eastward, joined by the streams of Khotan and Kashgar; the sources of the Sir Daria or Jaxartes

are but a little further to the north, while some of the minor streams which feed the Upper Indus flow southward from the same heights. There must have been a time when the second of these streams was but a mountain torrent flowing into a Mediterranean Sea, and when the great river of Turkestan watered narrower fertile territories bordering lakes far larger than those of the present day. Fertile mountain valleys still run down from the Hindu Koosh to the Oxus, and the Bolor Mountains with their easy passes enclose the steppes of Pamir, whence the Khirghiz still drive their flocks down the gradual slope to Khotan.

The valleys of Persia and Bokhara are dominated on the east by the Bolor Mountains and the Hindu Koosh, just as the plains of Mesopotamia are by the heights of Elam and Susiana. Six thousand years ago it is probable that the more easterly of these regions was far more continuously habitable and productive than now; any race, therefore, surging westward from the heights of Pamir would make its way easily as far as Elam, and in fact the after history of the Medes and Persians proves the existence of a large Turanian population remaining in this district at a comparatively recent date. *A priori* no one would have dreamt of accounting for the birth of letters and the common features of the distant monarchies of Egypt and China by imagining Turanians in Babylonia. But it is now among the unquestioned facts of history that the earliest monuments and inscriptions of Mesopotamia are the work of men whose language was of this type. It may be that the continued expansion of this stock towards the west was arrested when it came in contact with another race, destined to invent inflections—among other works of art,—and that the check in this quarter caused the tide of migration to set towards the east.

The ancient city of Khotan, characterized by Ritter as the most remarkable spot in Central Asia, the meeting-place of India, China, and Tibet, lies in a rich oasis near the eastern base of the hills on the west of the central desert sea. It is here that Baron von Richthofen, considering the subject as a geographer, in connection with the history of China alone, supposes the original seat of the Chinese to have been, and the view is confirmed by the exceptional way in which early Chinese authorities speak of the good manners of the inhabitants and their physical resemblance to the Chinese.[1] The extent of the oasis five thousand years ago must have been far greater than at present, when the place is filled with rumours of cities buried beneath the sands. In the early days of Buddhism the city was one of the most prosperous in Central Asia, and even in modern times the State has flourished on a scale that would pass for respectable in ancient Greece. Khotan might thus be accepted as an early settlement of the race, even supposing its real origin to be sought further west still, in the highlands on either side of the great water parting already alluded to.

There is, then, no insuperable difficulty in the way of the hypothesis of a common nursery for the ancestors of primitive civilization, lying somewhere between Khotan on the east and the sources of the Karun on the

[1] A. Remusat, *Histoire de la Ville de Khotan*, pp. 30–32.

west. Turkestan and Northern Persia five or six thousand years ago were more fertile, and, except for their unchanged mountain ranges, more easily traversed than now, when all the aggravated natural difficulties are multiplied and complicated by the hostility of a jealous population. The distances to be covered by migration from the valleys of Badakshan to the highlands of Susiana are no greater, the obstacles to be overcome no more formidable, than those which separated the Aryas of Iran from those of the Punjaub. Even as recently as in Marco Polo's time, the whole country between the Indus and the Oxus was both more fertile and more populous than now. Where the Venetian traveller rode through pleasant woods, his successor finds only deserts, and if we go back to the distant days when the kingdoms of Egypt and China were unfounded, the process of deterioration may hardly have begun, and almost the whole district have been fertile and habitable. The vale of Kashmir is still fruitful, the mountains of Badakshan are still furrowed by fertile valleys and set with high plains, with air still as pure and bracing as when Messer Marco lost his fever there, and described the fame of the district as a sanatorium. The Oxus itself flows from a lake on the high Pamir plateau, more than 15,000 feet above the sea level, and the pastures of this "roof of the world," as it is called,[1] are said to be so nourishing and rich that sick beasts revive at once upon it, but those left too long there die of overfeeding. Barley was formerly grown high up the pass, and Wood thought a crop might still be snatched during the summer heats. The wide steppe beyond the lake, with its countless wild fowl, is now barren, but not impassable even in winter, though at times the caravan loads may have to be shifted from mules or camels to the hardier yak, much as, before the Alpine passes are open, travellers may have had to change from diligence to sledge to cross the reach of snow at the head of the St. Gothard or the Simplon. Finally, it must not be forgotten that the few travellers who have reached this inaccessible region are struck by the European type of feature and the intelligence of the scanty and depressed Kafir population, who of all the surrounding stocks perhaps have changed least from the original type, which shows that the district is physically adapted for the development of a fine type of humanity, though geographical circumstances have not enabled its inhabitants to secure for themselves the political independence of Switzerland or Afghanistan.

It is but an hypothesis that would place in these highlands about the source of the Oxus the cradle of the great primitive civilizations of Asia and Africa, but let the connection between the Akkadians and the Chinese be once established, and so far as they are concerned the hypothesis becomes a practical certainty. Nations are not born in the plain. The tide of population streams like a torrent from the bracing highlands, and the mountain range which acts as a water parting also marks in most cases the boundary between different branches of a race of men. If we are to

[1] The importance of this district in modern politics is not unlike that which it must have possessed originally for the rudimentary nations around it.

imagine a common ancestry for Menes, Yao, and Gudea, this undivided race of great progenitors may have scattered its settlements from Khotan and Kashgar to Balkh and Herat, or even further west. From the table-land of the Pamirs the ground sinks in every direction, except to the south-east, where similar plateaux extend north of the Himalayas to Tibet, and in every direction but this, the mountaineers would find an easy descent to rich lands from which it would seem easier to advance than to go back. The first substantial offshoot from the western extremity we suppose to have reached Egypt after slow drifting through or round Arabia. Later, yet perhaps not much later, an equally vigorous branch turned its face eastward from the ancestral home, and after setting its mark on Khotan, spread from oasis to oasis and from steppe to steppe, further and further east, as the sand encroached upon each over populated and over cultivated resting place

The course of the Tarim River may have determined the direction of Chinese immigration as far as Lob nor, or more than half-way across the central desert, after which the emigrants would be led by another water-course towards the Yulduz Valley, and then lured eastward by an improving climate to Khami, which is within a few days' march from the entrance to China at Suchow At the present day, notwithstanding the strange severity of the winter frosts, the produce of the Tarim Valley is said to include most of the grains and fruits found in Southern Europe The soil is only barren from drought

**The road to China**

The movement may have gathered impetus from the gradual change of climate, combining with the effects of cultivation, in narrowing the area of fruitfulness The gathering sand behind would, as it were, obliterate the traces of those who had passed by, and as the vanguard exhausted the resources of the soil, the rear would have to quicken its advance, till the future nation could gather itself together, and pass in a body through the "Jade Gate" of the future kingdom of Cathay Ages afterwards, when commercial and political intercourse between Khotan and China made a highway through the desert, the resting places on the road were at oases, marked by ruined cities, and at the time of the first migration, such habitable spots must have been frequent enough to do away with the marvel that attaches to the idea of an agricultural people moving, of their own accord, across 2,000 miles of desert

The outline of the present provinces of China proper tells unequivocally by what route the black haired people entered The importance of the Yellow River and the frequent mention of its inundations, in the most ancient records of Chinese literature, have led many writers to assume that the Chinese entered their future home by following the southward course of that river, on the eastern side of the great horseshoe bend, which it takes between the present Lan chow and the junction of the Wei. These writers have not observed that the Great Wall of China, which skirts, with singular precision, the natural outline of the agricultural land, itself cuts off the northern half of the horseshoe, the inside of which, from time imme-

morial, has been the haunt of nomad tribes, no more civilized than the Ordos who occupy it now. The modern province of Kansu [1] has a narrow tongue stretching some 300 miles north-westward from the western bend of the Hoangho, as far as Suchow, the western limit of the Great Wall; and its counterpart, the ancient Yung, seems to have included streams and settlements, since surrendered to nomads or the desert, yet another 300 miles to the westward. China, like Egypt, is a land of difficult access, and the road by which the Chinese had entered was the one by which they were most liable to be invaded, the one which it was important to them to guard and fortify against enemies, while at the same time they kept it open for friendly embassies or tribute bearers.

The Yu-mon passage, or Jade Gate, so called because here tolls were levied upon the costly jade brought from Khotan, marks the natural passage from Central Asia into China, and all the geographical indications contained in the very ancient portion of the Shu-king, known as the Tribute of Yu, harmonize with the supposition that the progenitors of the "hundred families" of China first passed through this narrow tongue of land. If at any time they had ceased to occupy it, the whole of China would have been thrown open to invading hordes; but there is no reason to suppose the first settlers to have had their footsteps dogged by the swarming nomads who became a danger in later ages. Probably the Jade Gate stood open till the rumours of the fertile land ahead had brought in the rear-guard of the national procession; after which purely natural causes made the isolation of the colonists in their new home even more complete and prolonged than that of the dwellers in the Nile Valley.

Much of what is singular in the civilization both of Egypt and China may be explained by the isolation of a progressive people, developing all its native capabilities without external help or hindrance. A nation does not become civilized unless it possesses capacity for progress, but for civilization to be either stable or stationary it must be homogeneous, and no State has hitherto had a sufficiently robust and varied power of assimilation to retain its own characteristics unimpaired, while freely admitting alien elements into its system. Where such elements are rigorously excluded, the rate of progress gradually slackens, and the rare phenomenon of a civilized stationary State is produced. But the policy of exclusiveness, advocated in the interest of conservatism by so many primitive legislators, cannot be consistently enforced, unless by favour of circumstances; and the geographical and political situation of Egypt, like that of China, was a necessary condition of the virtual isolation to which she owed her immunity from change.

Even under the Romans, when international communications had been systematized, common fame and learned travellers still spoke of Egypt as a land difficult of access to strangers, and the difficulty cannot have been less in prehistoric ages. Unless, therefore, the first dwellers in the Nile

[1] This province was formerly included in Shensi, a fact to be remembered when we read of Tatar raids upon the latter, now central district.

Valley were autochthonous, we can only account for the seclusion, which had so much influence on the industrial history of both land and people, by assuming the first colonists to have entered their settlements by a gate which could so close behind them as to intercept any backward rumours of peace and plenty, likely to invite a continuous stream of immigration.

**The road to Egypt.**

It has generally been taken for granted that the colonists of the Nile Valley, if of Asiatic origin, must have entered Africa by way of the isthmus of Suez, and must have proceeded gradually up the course of the stream; while if of African extraction, of course their progress must have taken the opposite direction. Both hypotheses, however, fail to give any explanation of the ancient fame of Abydos and the traditional importance of This, the seat of the monarchy of Menes and capital of the First Dynasty. And a little consideration will show that there are reasons against completely disregarding the hints of native tradition on these points. In the first place, we do not find within historic times that the inhabitants of the Thinite nome possessed any special facilities for disseminating reports to their own glory, while the neighbouring splendour of Thebes would have led an inventive chronicler to place the first seat of the monarchy there, if not at Memphis. In the second place, no Egyptian tradition points to the Delta as the starting-point of national growth; the Egyptians do not think of themselves as having ever lived anywhere else than in Egypt; and all the evidence is in favour of the national type having developed and become fixed after, not before, their settlement in the valley of the Nile. But if the stream of immigration had proceeded by the Isthmus of Suez, what was to interrupt its continuance? and how, in the face of a continuous immigration, could the language and physique of the settlers have become so sharply marked off from those of the wandering tribes which, on this hypothesis, must be so near akin to them?

Another argument on the same side was pointed out by Professor Owen: the domestic animals of Asia, the camel and the horse, are unknown to the earlier monuments—a fact almost irreconcilable with the hypothesis of immigration by Suez, though not necessarily conclusive in favour of an African origin. All speculation on these subjects must be in the main guess-work, but there is nothing in history inconsistent with the conjecture, that long before the dawn of history, men, more or less remotely of the same parentage as the Akkadian inhabitants of Chaldæa and the hundred families of China, spread slowly round the coast of the Arabian Peninsula, and crossed over into Africa at one or other, or perhaps at all, of the successive points where the Red Sea narrows enough to tempt adventurous mariners. Without going so far as Heeren, who placed the cradle of the Semitic race in South Arabia,[1] it may be admitted that the fertile portions

[1] This view, which has been adopted by other writers, was advanced before the antiquity of South Arabian civilization was established, both by that of the earliest Yemenite inscriptions and by the tokens of prehistoric contact between Babylonia and Egypt; but the furthest point reached by an advancing race is always that where its primitive characteristics linger longest; and supposing Kushites to have preceded Semites in

of that favoured country would invite colonization long before the Desert of Sinai. National migrations seldom proceed as the crow flies, and the fact that the most ancient colonists of Arabia set their faces southward down the Persian Gulf would of itself account for the pressure of a similar stream, at a later date, northwards up the Red Sea, or westward across it.

There are three separate chances for the colonization of Egypt before the isthmus would be reached.[1] Immigrants crossing the Straits of Bab-el-Mandeb would probably lose their way in Nubia before reaching the Nile; yet some of the Kushite tribes of Northern Africa must have made their way in here, and by following the course of the Atbara or the Blue Nile, it would not have been impossible for them to reach the upper part of the Nile Valley. The track is not an obvious one, yet we gather that it must have been followed at least once at a much later date, and is therefore not naturally impracticable.[2] The southern tribes, to whom the Egyptians gave the name of Kushite, probably entered Africa by this route when the pressure of the Semitic Arabs led to a general dispersion of their race. But the fact that Kushites are not mentioned in Egyptian monuments before the Twelfth Dynasty, is almost conclusive against any considerable influx of such tribes prior to, or contemporaneous with, the settlement of Egypt itself.

The direct route from Egypt to the Red Sea in after days was from Kopt to Kosseir or Berenice, and either of three chances again would bring immigrants by this into the valley of the Nile: if, resolving to cross the sea at its full width, they happened to land at this spot; or if, after crossing by the straits, they had followed the coast in quest of an opening into the inland regions; or, lastly, if parties from a coasting vessel landed there to begin exploring the interior. Arab tradition regards Kopt as very ancient, and the Egyptians themselves were of the same opinion, for a medical papyrus is said to have been discovered there in the reign of King Khafra, which proves that its importance dated from the early days of the

Arabia, it is at the south-west extremity that they would linger longest and in greatest force, just as in Spain the Iberians were driven to the Pyrenees and the Kelts in France and England to the borders of the furthest maritime provinces. On any hypothesis, the most ancient Semitic tribes are those which would have most affinity with the early Kushite people. The language and physique of the tribes of Northern Arabia are supposed to represent most closely the primitive type of Semitism, and accordingly Professor Sayce and others assume the stock to have proceeded thence into Mesopotamia. But the relation between the so-called Hamitic and Semitic languages is that of elder and younger brother, so that the Bedouins of Arabia would still owe their origin to some branch or offshoot from the stock that was drifting towards Egypt.

[1] The late Vicomte de Rougé, in his memoir on the monuments of the first Six Dynasties, recognised the possibility of two of these routes: "Nous ne pourrions accepter la donnée d'une origine éthiopienne pour la civilization de l'Égypte que dans ce sens; qu'une portion des familles voisines, faisant partie de ces deux races [*i.e.* the Kushites and the Hamites of S. Asia] serait arrivée en même temps en Afrique par l'Isthmus de Suez, par les côtes de la Mer Rouge ou même par le détroit de Bab-el-Mandeb." (*Mémoires de l'Académie des Inscriptions et Belles-Lettres*, vol. xxv. pt. 2, p. 227.)

[2] Some centuries ago the Scharqieh Arabs are said by tradition to have entered Africa from the Hejaz; and Lepsius, in proof of the fact, cites the presence in two valleys near Barkal of a certain tree, which is indigenous to Arabia, and met with nowhere else.

monarchy.[1] Ancient expeditions from Egypt to the Sinaitic Peninsula as well as to the land of Punt used Kopt as their starting-point, and the natural explanation of its position among the most ancient settlements of the country would be that some prehistoric expedition from the Red Sea into Egypt found its goal and resting-place there. It is probable that Egypt, like America, had more than one discoverer; and if some of these have disappeared and been absorbed amongst the native tribes, the most fortunate and most adventurous will have survived to found the Egyptian nation.

The original settlers of Abydos, from whom sprang the founder of the Thinite Dynasty, may, however, have entered Egypt neither from Kosseir nor from the south, but by a more inevitable route which is yet not that of the isthmus. Southern Arabia was in all human probability colonized from the coast and the Red Sea explored by boat. Some Assyriologists believe that the hard stone used in the monuments of Gudea was derived from the Sinaitic Peninsula, which is only credible on the supposition of its having been conveyed by water. The question turns upon a name, and while opinion is divided on the subject it cannot be treated as proved that Babylonian vessels sailed as far as the Gulfs of Akaba and Suez at or before the time assigned to Menes. But there is no difficulty in believing that an exploring party, passing Kosseir and sighting Cape Ras Mohammed as a boundary on the right, should land at Myos Hormos, where at most three or four miles of passable hills would separate them from each of two predestined caravan tracks, both leading as directly as the nature of the country will admit to that bend in the course of the Nile which brings it nearest to the Red Sea; the point where, after flowing northward from Karnak and Kopt, it begins at Keneh, the ancient Cænopolis, to trend westward towards Farshoot.

Naturally travellers who first touch the Nile at Keneh (which is just opposite to Denderah) would follow the stream on its downward course, which also for a few miles seems to continue their former line of march, so that the Seventh or Thinite nome includes exactly the ground most likely to be taken up by the first settlers arriving by land from the east. At a short distance from the ancient capital, where low hills mark the boundary between the inundation and the desert, the holy city of Abydos was planted, from the earliest times the chief seat in Upper Egypt of the worship of Osiris; and it was here, perhaps, that the first immigrants took refuge as the waters rose above the level. Egyptologists whose views are based upon original study of the native texts, unbiassed by preconceived theories or traditions, find no indications of a probable advance through the isthmus; on the contrary, the one indication which might have seemed favourable to such a theory—the early development of the mines in the Sinaitic Peninsula—is shown to have no such significance, since at a much later date these mines were habitually reached by sea.

[1] Nearly, or quite, the earliest royal name yet met with was discovered in this neighbourhood.

4176

The story of an Egyptian Sinbad, ascribed to the Ramessid period, begins with his setting sail upon the sea in order to journey towards the mines of the king; and it is upon an island, on the course of navigators bound for the mines, that he is shipwrecked and meets with the serpent who is lord of all the treasures of the East. That traffic from the ports of Egypt on the Red Sea should have taken a northward direction at a still earlier date than that which, from the Fifth Dynasty onward, connected Egypt with the land of Punt, is a fact of the greatest importance, and the views which it suggests are confirmed by several circumstances; that the kings are always described as of "Upper and Lower Egypt," that Upper Egypt is considered the "front" and Lower Egypt the "back" of the country; that the division into nomes was much more ancient and complete in the former than the latter district, while the settlement and cultivation of the country had evidently made earlier and more rapid progress in the south than in the north. All this tends to show that Egyptian civilization began in Upper Egypt, with the seat of government at This or Abydos; and as it is physically impossible that civilization should have begun in the swamps of the Upper Nile, and morally improbable that it should have begun in mid-stream, the preferable hypothesis is that it was brought in from the south by the most civilized dwellers on the coast in that direction.

It is of course possible that Lower Egypt may have been settled, as the received hypothesis assumes the whole country to have been, from the north by the peninsula of Sinai; but the site of Memphis might also be reached from the east by settlers, starting from the same landing-place at Myos Hormos as the colonists of This, and following the hill-track which at the present day leads past the convents of St. Anthony and St. Paul.

Proof positive of course is not to be hoped for in such a matter, but the presumption in favour of colonization from the Red Sea is strengthened by the otherwise unexplained fact that the sacred "Land of the gods" recognised in later times by the Egyptians, is localized neither in the heights of Nubia nor the plains of the Delta, but in the Kingdom of Punt on the Arabian or Somali coast. The connection with this sacred land was by no means exclusively traditional or imaginary. The first expeditions of Egyptian kings[1]—aiming at more than war or the acquisition of building materials—were to this sacred land, some knowledge of which must have been preserved, or at least renewed, from time to time by stray traders; and considerations advanced by one of the most cautious and competent of Egyptologists, help to explain why this could scarcely fail to be the case.

The Egyptian monuments show the Puna or men of Punt to be red-

[1] Besides those of the Eleventh, Twelfth, and Eighteenth Dynasties, Prof. Schiaparelli has found (1892), in a Sixth Dynasty tomb, mention of two expeditions sent by Assa (Fifth Dynasty) to the land of Pun, and by Pepi II. (Sixth Dynasty) to "the land of the Holy Spirits." *Academy*, July 8, 1893. *Recueil de Travaux*, xiv. p. 186.

skinned like the Egyptians, though of a darker shade. These Puna, Lepsius proceeds, with some plausibility, to identify with the Phœnicians;[1] and if this view be accepted, instead of deriving either Egyptian or Babylonian civilization from each other, or from South Arabia, we shall see in the latter a sort of half-way house, the connecting link between the two distant settlements where the race could found a kingdom and a nation. It is, however, rash to build too much in any case upon the supposed resemblance or identity of a single proper name; and Lepsius' identification of the Puna with the men of Punt has been challenged on the ground that the *t* in the latter name could not possibly have dropped out. The latest historian of the Phœnicians takes this view,[2] and on this, as on most other points concerning which the learned are divided, the laity will not find it difficult to hold their judgment in suspense.

It is the more needful to do this because, when the materials for scientific certainty are wanting, specialists are not quite impartial in their choice of a working hypothesis. Apart from the involuntary, quasi-patriotic instinct, which predisposes the Egyptologist to believe that Chaldæa was taught or colonized by Egyptians, while the Sumerian scholar reverses the relation, it is inevitable that the masters of any one branch of investigation should attach most importance to the evidence elicited in the course of their own studies. When obscure points of history have to be elucidated, the Hebrew scholar knows at first hand all the light that can be thrown on them by the language and literature of that people; and the same thing is true of the student of Egyptian and Chinese and of the Assyriologists, all of whom necessarily attach more weight to the circumstantial knowledge they possess in their own departments, than to the comparatively isolated pieces of information which each may communicate to the other. In time, no doubt, the results of all separate lines of inquiry are thrown into the common fund, and all established facts assume their proper place and proportion. But there is an interval during which those who are themselves most actively engaged in extending the domain of knowledge in one direction are least likely to appreciate the full value of similar labours directed against an opposite corner of the dark continent of the general ignorance. These considerations do not at all detract from the value or credibility of each scholar's positive contributions to historic science; on the contrary, the ignorant layman, in some cases, may have the advantage of justly admiring at the same time two learned men, who do not admire each other at all.

Whether the Phœnicians and the Puna bore the same name or not, there can be no doubt as to the relationship between the latter and the Egyptians. One of the most extraordinary merits of the Egyptian monuments is the spirit and fidelity with which they represent the features and

[1] *Nubische Grammatik mit einer Einleitung uber die Volker und Sprachen Afrikas.* R. Lepsius (Berlin, 1880). Introduction, p. 95 ff. See also Hommel, *Die Vorsemitischen Kulturen in Ægypten und Babylonien* (Leipzig, 1882), p. 125 ff.

[2] Dr. Pietschmann (*Gesch. der Phönizier*, p. 122). It is suggested that Phœnix might be a Græcised version of Fench or Fenchu, the Egyptian name for the people.

costumes of the different foreigners with whom they came in contact. The evidence of the wall-paintings therefore has the value of contemporary documents of the highest class, and it points to the conclusion already advocated, upon different grounds by Lepsius. Mr. Flinders Petrie, who prepared a series of ethnographic casts and photographs from the Egyptian monuments, writes of the collection as follows :[1]—

"The first striking point is the strong resemblance of the people of Pun or Punt (on both shores of the south part of the Red Sea) to the Egyptians of the higher class. That there were two races in early Egypt seems assured by the very different types met with on the earliest tombs; one with an aquiline nose and fine expression, the other prognathous, with a snouty nose. The aquiline type is identical with the people of Pun; the coarser examples of one with the coarser examples of the other, and the finer examples with the finer; they hang together throughout in a way which seems beyond any casual resemblance. The head of a Punite chief is identical in every detail of feature and expression with that of Seti II.; and the heads of other Punites parallel the characteristic heads of a son of Khufu and his servants. When we remember the peaceful relation of the Egyptians with the Punites, and the respect which they always showed to the people of the "divine land," it seems far from impossible that the civilization of Egypt might be due to a Punite race penetrating to Abydos by the Kosseir road, and so originating the early dynasties in the midst of the Nile Valley. At least this must be borne in mind in all future speculations on the primitive Egyptians. It seems not unlikely that another development of the Punite race may have taken place by a tribe passing further up the Red Sea and penetrating to the Mediterranean. Then they spread up the Syrian coast and formed the Pœni or Phœnicians, and in the western part of the Mediterranean became the Punic race of history. On comparing the maritime Pulista or Philistines in these photographs, we see at once a very close resemblance to the Punites. These resemblances are such that a head of each race might readily be two different versions of the same individual as portrayed by two different sculptors; and their dissimilarity to the figures of any other race is clear and certain."

On the monuments the men of Punt are always represented in the same red colour as the men of Egypt; the lighter yellowish tint used for Egyptian women seems to indicate that the race was once naturally white, like the Kabyles and Berbers of the present day, whose customs and language connect them with the Hamitic group, but the peculiar red tint met with in South Arabia and Egypt may naturally be accounted for by climatic influences. The Hottentots who retain it have also always been exposed to an African sun. The resemblance between the men of Punt and the Pulista is not conclusive as to the identity of the former with the Phœnicians, as advocates of the Semitic character of the Phœnicians question the closeness of their relationship to the Philistines. But the presence both in South Arabia and Syria of a race closely resembling the Egyptians in feature must be taken as an unquestionable fact, and the simplest way of accounting for it is to suppose all three to be branches from a common stem, while there is no reason, *à priori*, for rejecting the tradition which places the root of one branch at the head of the Persian Gulf, a locality which is at least possible for the other two.

[1] *Bab. and Or. Record*, vol. ii. p. 135. The subject is discussed at length by Lieblein, *Handel und Schiffahrt auf dem rothen Meere in alten Zeiten*, pp. 10–75.

The earliest commerce of Chaldæa was doubtless that between the Hamitic colony in Arabia and the kindred they had left, just as the Egyptians traded back to the same point, whence the obvious temptation to look upon it as the nursery of both. It may be that the great traders of the Old World, whose vessels ranged all along the Persian Gulf, the Red Sea, and even as far as the shores of India, never quite lost sight of the kindred stock which found its way to Africa before them, though there can have been little systematic intercourse till the renewal of communication under the Eleventh Dynasty.

In the royal monuments and private tombs belonging to the Third, Fourth, and Fifth Dynasties, the most casual observation shows two distinct types of feature:[1] the Pharaoh and the wealthy courtier or "royal cousin" commemorated has not infrequently features of an Arab or Semitic cast, with high cheek-bones and full aquiline nose, while the crowd of retainers and workmen of all sorts who are represented as employed in his service have uniformly short, blunt features and heads of the same shape as that made familiar by the monuments after the conventional type had become fixed, though the outline is less sharp and slender. The original of the famous statue at the museum of Gizeh—which reminds Britons of John Bright and Germans of Prince Bismarck, and his countrymen of the nearest village headman—did not belong to the Semitic-looking aristocracy; and the king's son Ra-hotep approaches to the sturdier plebeian type with its startling modernness and suggestion of rough power. The earliest inhabitants of Babylonia, as represented on the monuments of Gudea, resemble the portion of the early Egyptian population represented by the Sheik el Beled, with features more of an European than an Arab type. But physically the Egyptians of later history seem, to a mere physiognomist, as much Semitized as the later Syrians and Babylonians are Hamitized, if that word may be used to describe the influence of a black-haired, partially Turanian people upon the fair race with aquiline features which seems best to deserve the name of proto-Semitic.

While Egyptian tradition allows us to connect Egypt with the land of Punt, the cuneiform records connect the island of Bahrein on the coast of Arabia with the kingdoms of Southern Mesopotamia; and as the continental caravan-tracks started inland from the opposite port, there can be no doubt that ships from South Arabia and the Euphrates met here, as well as, ultimately, those from India and the Red Sea; and we thus work our way back from the Nile to the Persian Gulf as we do from China to Khotan. Khotan and the Persian Gulf are the two points between which primitive civilization must have had its origin: the only question is whether we must suppose it to have had three origins or one.

There is nothing more difficult to account for than beginnings, and one secret of the popularity of the doctrine of evolution is that it diminishes the

[1] There are also two distinct modes of sepulture, the body in the oldest tombs being sometimes recumbent and sometimes bent with the knees up to the chin, like those found in the jar-like earthenware coffins of the most ancient sites in South Babylonia.

number of inexplicable origins. We have to account for the beginnings of art, letters, and philosophy in Egypt and Babylonia, and that of letters and philosophy in China, all of a kindred sort, and at dates so far as we can tell almost equally remote. Three separate origins are hard to account for in themselves, and become almost inexplicable when we note the resemblance of the results that would have to be traced to three separate and independent chains of causation. On the other hand, the intrinsic difficulty of a single origin is minimised, if there is any reason to believe in the sudden advent of a new condition, potent enough to account for the marked variation then arising, and in the nature of things not susceptible of repetition, so that the subsequent cessation of development upon the same scale may be explained at the same time as its single occurrence.

**The ethnological problem.**

We have seen that the Egyptian people at its earliest included two distinct physical types, and the same remark applies, though less conspicuously, to the earliest figures of Sumerian art. Now one of the strongest arguments in favour of a prehistoric connection between the Chinese and the Akkadians (or ancient Chaldæans of Turanian speech) is also an argument against all the inhabitants of the first settled districts in Mesopotamia having been of the *same* race. From the earliest times the Chinese have been in the habit of describing themselves as the "black-haired" people, while the ancient Akkadians use the substantially similar designation of "black-headed."

The name Ham itself is considered by some to be equivalent to the native name for Egypt, Kam-t (demotic Kemi), from the root *kam*, black. This has generally been understood to refer to the black earth of the Nile Valley; but if the Egyptians were akin to the black-headed race of Babylonia, it is possible that they may have brought the name with them, and have transferred its application from the people to the country when its significance in the former case had ceased.

In each case it seems impossible to account for the adoption of such a descriptive term to indicate nationality, unless those who used it were in the habit of thinking of themselves as possessing this among other notes of superiority to some less civilized people of a different colouring. But before the advent of the red-haired barbarians of the West, we are at a loss to imagine what light-haired people the Chinese can have known, after their arrival in China, to have caused them to adopt such a distinctive appellation. The birthplace of the Chinese is matter of conjecture, but the habitat of the Akkadians (or Sumerians) when they called themselves the black-headed people is known to us, and known to be within reach of, or rather in immediate contact with, another race which is *not* uniformly black-haired. Sir Henry Layard [1] speaks of "that fair complexion and light hair which distinguish the Jews in the East from the darker races among whom they dwell;" and in the mixed Jewish colony of East London, which includes representatives of the race from nearly every

[1] *Early Adventures in Persia, Susiana, and Babylon*, vol. i. p. 151.

country in the Old World, the reddish, fair-haired type is still far from uncommon. The Egyptian monuments contain several examples of what we consider Semitic features combined with Aryan colouring, that is with blue eyes and yellowish hair, and, what is still more to the purpose, the same traits are still met with among the Kabyles, whose "blonde complexion, large blue eyes, ruddy hair, and high straight forehead," strike an English visitor[1] as essentially European, while French observers consider the aspect of the same tribes to be "decidedly Germanic." The existence of a fair-complexioned race in ancient Palestine is also insisted on, independently, by Professor Sayce, who maintains the Amorites belonged to it. The blonde Finns, who still speak a language akin to Akkadian, perhaps come nearest to the primitive ancient type.

The fact that the non-Semitic Akkadians thought of themselves, as a race, as being first and most obviously black-headed suggests the idea that the earliest precursors of the Semitic-speaking peoples with whom they came in contact were normally light or red-haired, like the Caucasian stocks of Northern Europe. Or rather, as has been pointed out several times of late, the so-called Semites are not a race at all, but only members of the Caucasian family whose language has received a particular kind of development.

The one unique cause which may be suggested for the development of those new human qualities or aptitudes to which the domestic civilizations owe their brilliancy and duration is the intercourse between the black and the fair-haired race when both were in the primitive vigour and purity of youth. The first cross between two strong and original races might certainly have produced a stock, combining some of the qualities of both parents, and having the persistency of a true species. We do not know that it was so, and though an hypothesis which cannot be verified is also secure against disproof, it is rather as a possible explanation of the real facts than as itself a fact of intrinsic probability that the hypothesis commends itself to those minds in which facts cannot hang together without the help of some thread of theory.

There seems to be a period when the intellect of mankind runs to grammar, when rudimentary philosophers devote themselves to word-making and budding logicians to phrase-building. If this were not so, philosophy and science must have remained for ever dumb; but to take effect upon the common language of a race, this period must fall when the population is still tolerably compact. A separation following shortly after a burst of philological innovation—such as the invention of genders and the substitution of suffixes for words—would give occasion to diversities of development exactly similar to those which exist between Egyptian, Assyrian, and the Aryan tongues and the older varieties of Turanian or Finno-Ugric speech.

It is now suggested that the northern or European branches of the primitive white race retained this archaic form of speech, that the bar-

[1] Mr. Grant Allen. *Contemporary Review*, April, 1888.

barous tongue spoken by descendants of the divine Pelasgi in the days of Herodotus may have been of this type, and that Vannic, Hittite, and Etruscan inscriptions are to be interpreted by its analogies. Greek legend deals reverently with these precursors of the white man's greatness; and after a period of ignorant faith and ignorant scepticism, there is some hope now that the historical foundations of the legend may be unearthed by scientific criticism.[1] The branches of the white race on the Mediterranean received little direct stimulus from the more advanced civilization developed in Babylonia, and with few exceptions, they did not retain a separate and independent existence. The branches of the white race in Africa, which adopted Hamitic modes of speech, have been in contact with inferior races and tongues, and have consequently been less completely submerged, but they have not advanced in civilization since they disembarked from Yemen or from Rhodes or Crete.

The physical perfection and intellectual capacity of this race make its historical obscurity a problem, unless we admit that as a general rule it takes two races to make a great people. We have seen that such an explanation is possible in the case of Egypt and Babylonia, and the first brilliant outburst of civilization in Europe did in fact take place when the fair-haired Homeric heroes came in contact with offshoots from the earlier stock, which had, as we shall see, carried many of the characteristic traits of Hamitic civilization along the shores of the Mediterranean and ultimately into the remotest ends of Spain.

The plausibility of this explanation is increased when we remember that the third stage or period of civilization, in which we now live, began with a similar clash of races, after the barbarians of the North encountered their long-separated kinsmen, whose complexions had been darkened by the sun and a more or less considerable infusion of Hamitic blood, so that even their features seemed as foreign to the new-comers as their language and their cosmopolitan culture. In the same way it may be argued, that the Semitic kingdoms of Western Asia owed their greatness to the admixture of alien influences derived from the older race. Semitic Babylonia and Palestine borrowed from the Akkadians and the Egyptians all the humaner features of their legislation, and the humanity of Moslem law represents the latter influence filtered through Jewish tradition. Assyria, which borrowed less, had a harsher civil code as well as a more ferocious military temper.

The genealogists of the tenth chapter of Genesis (*vv.* 6-20) believed that there were four branches of the Hamitic stock, the identifiable representatives of which are clearly differentiated on the Egyptian monuments as possessing delicate features midway between the Aryan and Semitic peoples in type, and a complexion neither black, white, nor yellow, but

[1] C. Pauli, *Eine vor-Griechische Inschrift von Lemnos.* This inscription is accompanied by a profile, remarkable for the same bullet-headedness as the Gudea statues of Tel-loh. Craniologically this type is described as brachycephalic, short-headed, like the dark Kelts of Auvergne.

red. Only three of these branches have their further ramifications traced. The first place is given to Cush, who is conceived to be the father of the tribes of South Arabia and of the founder of a kingdom in the land of Shinar, whose first cities were "Babel, and Erech, and Accad, and Calneh." Mizraim is the second son, and, rather curiously, the men of Egypt are made to father some few of the inhabitants of Palestine, who for one reason or another[1] are not counted among the sons of Canaan. Among the races who are so counted, we find the Sidonians, the Hittites, the Amorites, and the Hamathites, though the Sidonians of history should be placed, after their tongue, among the sons of Shem, while the white complexion of the Amorites casts a doubt on the nearness of their relation to the red-hued Hamites.

The majority of the stocks named very possibly belonged both in speech and appearance to the type of which the Egyptians are the most familiar representatives. But the Biblical writer also included among the sons of Ham families speaking a language akin to that of the yellow or Turanian race, and others whose languages are unknown or anomalous and whose complexion appears to have been white. And the curious thing is that a comparative study of institutions and national temperament carried on independently, would lead to a tentative generalization very like that of the genealogist, and open to just the same difficulty, that it brings together men belonging by language and colour to three apparently quite distinct groups. The Georgians and the Basques, the Akkadians and the Hittites, the Egyptians and the Berbers may all be included among the sons of Ham if we are content to give as wide an extension to the name as that authorized in the book of Genesis.

The Biblical genealogies do not represent a minute local tradition, but rather the best judgment of the best-informed men of their time as to the relationships and affinities of contemporary nations. And this is just what constitutes their value; for if different nations speak languages which pre-philological observers can see to be akin, and have usages and features so conspicuously of the same type, as to suggest a common origin in spite of political separation and antagonism, this is good evidence as far as it goes, and may be accepted in the absence of facts on the other side. The various Biblical genealogies which make Canaan alternately the son of Ham and the son of Noah, show that Ham was considered to belong to an earlier generation than Shem and Japhet, which agrees with the indications of history. But if we accept the legend of three brothers, Canaan, Shem, and Japhet, as representing the division of stocks contemporaneous with the spread of a Semitic people in Mesopotamia, we must adopt some other classification for the older world, which the book of Genesis recognises as subsisting between Adam and Noah.

The genealogical fiction breaks down when we attempt to carry it back to a single starting-point, because we can scarcely conceive three sons of

[1] Very possibly from their having been longest tributary to Egypt after the conquests of the Eighteenth Dynasty.

one father as being of different colours. As a matter of fact a new breed is not derived by descent from one parent, but selected, through a series of generations, from out of a whole stock. The primitive white, red, and yellow stocks differentiated themselves independently, and their separate existence is one of the first facts of history. The civilization which grew up in the centre of their respective spheres of influence has the common features which we vainly seek in their ancestry. It contains elements which we have subsequent reason for thinking to be characteristic of one or other of the three, rather than originally common to all, and in its complete form it is so advanced and admirable that Western Europe hesitates to believe that it can have been the creation of any race but the white. Apart from this prejudice, which has a sort of justification in the later history of the world, all the evidence would lead us to believe that the Mediterranean branch of the primitive race, of which we know nothing except that it was white, contributed less than either of the others to the brilliant complex of archaic civilization, and it certainly produced no States or empires comparable with those of ancient Egypt or Babylonia.

The "black-headed" men of Sumer and Akkad, whose speech was of the same type as that of the yellow-skinned, black-haired Chinese, resembled in feature and genius, as well as in language, the white men who wrought metals in the mountains of Armenia and the Caucasus and spread to the islands of the Mediterranean; and they resembled in feature and genius, though not in language, the dominant element in the Egyptian people. The national type of the Egyptians, in spite of their mixed origin, became very permanent and sharply defined. The ancestors of the Chinese may have avoided any alien admixture in Western Asia by the direction of their migration, and they have since only absorbed various autochthonous savages and Tatar tribes, both elements inferior to themselves in civilization and intelligence.

Two craniological types are found among the black-haired, white-skinned people, with languages akin to those of the Finns and the Akkadians, who are scattered along the Mediterranean between the Caucasus and Spain; otherwise it would be easy and satisfactory to see in them representatives of the bullet-headed element in the mixed populations of Egypt and Babylonia, to the latter of which they are linguistically akin. But unlike the supposed Pelasgian of Lemnos, the Basques, the Armenians, and the obscure remnants of a primitive population in Asia Minor are all high-headed. Again, we find traces of dark and fair bullet-heads, who agree only in talking a language akin to the Finnish, and long dark heads who do the same, together with long fair heads who talk pure Semitic, and round fair heads, using the earlier form of speech preserved in Egypt—all before the dark Semites and fair Aryans of comparatively familiar ancient history.

All these elements exist, but the evidence of their existence does not of itself suggest any genealogical grouping for them. They can consequently be brought into any order suggested by a preconceived theory.

But as the differentiation of clearly defined varieties of the human race is about the most remote and obscure of prehistoric facts, it is safer to refrain from all genealogical hypotheses. We may have to borrow names derived from ethnological classifications to distinguish stocks possessing certain common institutions, and no doubt the distribution of characteristic institutions is one element to be considered by ethnologists; but the bearing of institutions on the history of civilization, or of social and economic development, is a separate subject which may be considered quite apart from open questions as to the physical history of races.

The first serious attempt to connect Chinese and Babylonian civilization was made by M. Terrien de la Couperie, who adduces evidence of varying degrees of conclusiveness to show that the language and the legends, the written character, the astronomy, the arts, agriculture and domestic economy of China all show traces of a prehistoric community of origin with those of the first inhabitants of Babylonia. To mention only a few of the most striking coincidences, the legend of Sargon, one of the oldest and most widely diffused of folk tales—a late form of which is versified in Mr. Morris's *The Man born to be King*—is told of two Chinese worthies, the mythical emperor, Shinnung, and How-tseih, another supposed founder of civilization. The same emperor is also said to have used signs like tongues of fire to record facts; while another mythical personage is said by early Chinese authors to have ascertained from observation of the marks on the soil of claws of birds and animals, "that objects could be distinguished from one another by lines." And, in fact, it would be difficult to describe the appearance of the so-called cuneiform characters better than by comparing them to the footprints of birds on sand or snow. It is possible to see in the oldest Chinese characters resemblances to the corresponding cuneiforms, and the unintelligible ancient Chinese classic, the Yi King, acquires a dim promise of significance when it is proposed to regard it as a syllabary or collection of lexical fragments, the purpose and meaning of which has been forgotten while their antiquity made them still objects of reverence. The early Chinese names of the four cardinal points also much resemble those of Chaldæa, with the difference that they displayed a shifting of a quarter of the circle. The Egyptians and Chinese spoke as we naturally think, of the South as in front, the North behind, the West at the right, and the East at the left.

In Babylonia the same names were used, but the speaker is supposed to be looking to the South-west, with his back to the North-east, as is proved by an astronomical tablet recently translated, where it is stated "The South is Elam, the North is Akkad, on the right is Akkad, on the left Elam." The metrical systems of China and Babylonia also have points in common; the use of the sixty years cycle, the estimate of 120 years as the ideal length of life, the names of some of the constellations, the use of divining rods, and a variety of similar traits suggest either affinity or intercourse.

The "twelve pastors" who are mentioned in the Canon of Shun disap-

pear from later history, and are supposed also to be a reminiscence of Babylonia. According to the Bamboo books, in the 125th year of the reign of Yao, "the superintendent of works made a tour of inspection through the twelve provinces;" but the division is evidently invented to account for the twelve pastors, since only nine provinces are recognised in the later "Tribute of Yu," the earliest document possessing any approach to authority as to the geography of the empire. M. de la Couperie also proposes to identify a number of Chinese legendary names with those of more or less historical personages in Chaldæa, as the fifth mythical emperor of China, Nai Hwangti, with Nakhunte.

He contends that wheat was probably introduced into China from Babylonia, where, on the whole, botanists tend to suppose it to have been indigenous; the use of bricks for building is another distinctively Mesopotamian trait, not likely to have been independently developed in China. The Chinese, as already mentioned, call themselves the black-haired people and their country the Middle Kingdom, both designations having a significance in Babylonia which they lack in China. Their earliest records mention an officer called "President of the Four Mountains," a title which soon became obsolete, but in which M. de la Couperie sees a reminiscence of the title "King of the Four Regions" borne by the sovereigns of Chaldæa. The same writer believes that the appellation of the "hundred families" given to the immigrant race in their own literature, rests on the misreading of an old character, which he understands as signifying "the Bak tribes," an ethnic name which might be connected with Bactria, and the many other local names in Western Asia with the same root. Chinese scholarship, however, is not lightly to be set aside, and unless the altered reading of Peh Sing (the hundred families) were accepted by learned natives, we should be more disposed to retain the ancient rendering, and still see in that an evidence of Western origin, and a reminiscence of some primitive organization, other than the feudal monarchy, resembling the "Royal Tens" of Egypt or the Hundreds who formed the Senates of Phœnicia and Carthage.

Much labour has been spent on a comparison of the earliest forms of Chinese and Akkadian ideograms; but there is so much room for difference of opinion as to what constitutes a resemblance between one clumsy, conventional scrawl and another, or between either and the real objects they are supposed to denote, that no very definite results can be hoped for in this direction. There are no Grimm's laws in draughtmanship. But the comparison between Akkadian and Chinese roots, upon which Mr. Ball is engaged,[1] promises more satisfactory results, and meanwhile we may be content to treat the connection as a probability which may any day be converted into a certainty. The probability is strengthened by the similarity of intellectual and moral temperament between the Chinese and the Hamitic stocks with the early domestic civilization about to be described.

[1] *Proceedings of the Society of Biblical Archæology*, vol. xii. pt. 1, xiii. pts. 1, 6, etc.

For anything we can see to the contrary, hieroglyphs developing into syllabic writing may be a purely Turanian invention, for the Chinese are not less literary than the Egyptians. And it is a point in favour of the wholly or partially agglutinative character of the parent speech of the literary race, that hieroglyphic writing can be more easily used to represent such a language than one with a developed grammar. But since the empire of China and the kingdoms of Sumer and Akkad were founded, it is without example for Turanians to distinguish themselves by constructive social achievements of a pacific kind. The cleverness of the red race, which survives in the Copts, is as pacific as the typical Tatar is the reverse; but this stock, which some scholars prefer to call proto-Semitic, has the versatility without the tenacity of the true Semite, and by itself would hardly supply the world with leaders. It only remains to suppose that the contact or collision of these primitive nationalities—for 4000 B.C. they must have met as nations—struck out flashes of inspiration which illuminated all alike, so that the germs of domestic and social organization were of the same type in all, as the simplest verbal roots may be shared among widely divergent languages.

Each stock contributed something in which the others were wanting. It is scarcely fanciful to say that the first yellow-skinned philosopher was a Realist, while the first Nominalists were to be found in the primitive white race, which, owing to its greater aptitude for the manipulation of symbols, was able to develop alphabetic from syllabic writing, and substituted coined money for weighed metal. In the red Hamitic stock we may recognise the germ of qualities which subsequently produced that variety of the human race characterized by a preference for trilateral roots, gender suffixes, and a tendency to associate its best and worst propensities with its theological beliefs and worship,—the people of Moses and Mohammed. And in all three we find a genius for orderly family and communal life, a taste for letters, and a well-developed moral code for domestic use. Roughly speaking, perhaps it may be said that writing is of Turanian origin and grammar of Semitic; the proto-Turanian peoples have a genius for literature and industry; the proto-Semitic for language and trade. And there is no difficulty in supposing a section of the proto-Turanian race to have adopted proto-Semitic speech; just as Arabic has been adopted in historic times by non-Semitic peoples.

Leaving all open questions of affinity to be decided by the learning of the future, we are certainly in a position to affirm that before the so-called Aryans and Semites of history took the foremost place in the Old World, probably before they were clearly differentiated, the first civilized States in the world were founded by men of some other race—humane, industrious, non-political, but with a moral philosophy for the use of princes; liberal in the treatment of women, with the most unchanging customs of any people that ever lived, and with the most enduring records of their life. By analogy we should expect all these States to belong to the same ethnological family; but if the identification cannot be maintained, the similarity of

temperament and institutions which suggested it only becomes the more noteworthy; as if the social order formulated by Chinese and Egyptian rulers were not merely one natural view, but in fact the first or only one that presents itself to a primitive community as either natural or possible.

*BOOK I.*

# OWNERSHIP IN EGYPT.

"Some of these Gods, indeed, we have but lately learnt to call by their usual Egyptian names; but the power of each one was known and honoured from the beginning."—*Plutarch.*

"It is probable that while the influence of custom over prices, wages and rent has been overrated, its influence over the forms of production and the general economic arrangements of society has been underrated. In the one case its effects are obvious, but they are not cumulative; and in the other they are not obvious, but they are cumulative. And it is an almost universal rule that when the effects of a cause, though small at any one time, are constantly working in the same direction, their influence is much greater than at first sight appears possible."—*Professor Marshall.*

# CHAPTER I.

## *THE MONARCHY AND THE ROYAL OFFICERS.*

### § 1. The Pre-historic Kingdom and the Nomes.

In giving precedence to the history of ownership in Egypt, it is not intended to prejudge the question of the comparative antiquity of Egyptian and Babylonian monuments or civilization. Both at the most moderate calculation go back some 5,000 years from the present century; but for the first part of that time, say from 3,000 to 1,500 B.C., the materials for inquiry are so much more abundant in Egypt, that on this ground only it would be convenient to consider the records of that country first.

There can have been no considerable settled population in the valley of the Nile before the advent of the Egyptians, since the inundation would make the country uninhabitable for great part of the year, and unattractive for the remainder, except to a race of civilized agriculturalists. The two crowns of Upper and Lower Egypt were probably worn by independent rulers before their union on the brow of Menes or some other precursor of the kings of history. The phrase was in no way figurative, two distinct diadems of different patterns being combined to make the "double crown," worn by "the lord of the vulture and the uræus." The two countries had not only separate diadems and symbols of royalty, but also different gods—Horus and Set—and different floral emblems, the lotus for Lower, and the papyrus for Upper Egypt. And in whatever context reference is made to the king's person, his double character is kept in sight. In the time of Khufu, the king's mother is designated as one who "sees the Horus and the Set," *i.e.* the god-king of Upper and Lower Egypt; and the chief of the thirty judges in the same way is described as "having access to the king of Upper Egypt and drawing near to the king of Lower Egypt."[1]

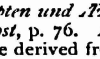
Absolutely nothing can be known as to the history of the two kingdoms while separate, but it is probable that Upper Egypt was the first settled and the most elaborately organized, while it was also, according to Manetho, from Upper Egypt that the first king of the whole country was taken. It is easier to fell trees than to drain marshes, so that the soil

[1] It has been suggested that the title of "king of the upper and the lower regions" does not mean king of Upper and Lower Egypt, but of earth and Hades, the king, like the sun, being supposed to reign over both, but the conjecture is at present unsupported. (*Rev. Egyptologique*, i. 16.)

of Upper Egypt was most easily made available for cultivation, and under the ancient monarchy, while Southern Egypt was already a rich corn country, the herds of great men were still driven into Lower Egypt to pasture. Only one nome in the Delta is mentioned by name in the monuments of the ancient empire;[1] and if we are to conjecture, the transfer of the capital to Memphis may have had the object, as it almost certainly had the effect, of increasing the royal authority by withdrawing its seat to a quarter of the kingdom where local government was less developed and the centralization of its powers and resources therefore more easily carried out.

One of the strongest features of the Hamitic race, wherever and whenever we meet with its branches, is its remarkable taste and talent for organization. The Berber villages of the present day have an elaborate government and codes of customary law as detailed as those of the mediæval Basques; and the earliest representatives of the race, who succeeded in founding its most stable and powerful monarchy, are not likely to have fallen short of their successors in the qualities which make the village organization almost indestructible as well as all powerful within its traditional sphere.

The division of Egypt into nomes evidently rests upon a base of ancient fact, not on mere considerations of administrative convenience. The character for the Egyptian word is an ideograph representing the "channeled fields," an oblong plot, not a square (like the Chinese *tsing* or "well," which stands for the smallest unit of rural administration), but, like it, evidently chosen at a time when every settlement was agricultural, and the existence of irrigation canals the sure sign of civilized human occupation.[2]

Many of the provinces or nomes into which Egypt was finally divided were probably governed originally by more or less independent princes owning only a general fealty to the sovereign of their half of Egypt. But prior to the consolidation of the nomes as centres of political government, smaller administrative units in the form of townships had already elaborated and given customary fixity to the type of government which the kings and princes of history were expected and required to reproduce. This local organization in Egypt bears the name *nouit*, a word belonging, according to M. Maspero,[3] *au plus vieux fond de la langue*, and, like the nome, represented by an ideograph  ,[4] of unequivocal significance.

[1] *Ægypten und Ægyptisches Leben im Alterthum.* By A. Erman, p. 122.

[2] Cf. *post*, p. 76. A sail is the hieroglyph for wind, and those for other ideas implying motion are derived from water-ways.

[3] *Un Manuel de Hiérarchie Égyptienne. Journal Asiatique*, p. 310. 1888.

[4] In Brugsch's hieroglyphic dictionary another form is met with, which is still more significant: Brugsch reads the character *nen* and connects it with an Egyptian and Hebrew root with the sense *sedit, habitavit*; *sedes, domicilium*; an inhabited place, country or town: *nen-ti*, inhabitant, and *nen-t*, region [of earth or sky] have the same derivation, while the latter sense recalls the Babylonian idea of a supreme ruler as one who is lord of the "four regions." So, on the king's accession,

The modern commune of Denderah consists of four groups of houses, separated by clusters of palm trees and fields of durrah and beans, and the significant part of the ancient character clearly represents the fence or wall surrounding four such detached dwelling places or groups of houses. In its earliest form the *nouït* probably represented the smallest enclosure inhabited by distinct family groups, or, in other words, the smallest community held together and regulated by a civil or social pact instead of by the automatic action of domestic relationships.

These communities again fall into groups, and it seems that the Egyptians were for a long time content to apply the same name to aggregations of different size and importance. Any group of hamlets or dwellings rallied round a common centre,—market, fort, government office, chapel or tomb,[1]—might form a *nouït*, and a certain number of these groups, united by a common worship, constituted a larger *nouït*, the city or capital of the nome: thus Thebes is Nouït-Ammon, and the worship of particular deities is the most distinguishing mark of many provinces. The Greeks called the greater *nout* πόλις, and the lesser ones, which answer to the Latin *pagus* and form the "country" as distinct from the capital, κώμη. The ambiguity arising from the same word being used not merely in different but contrasted senses caused the later Egyptians to adopt two separate words for capital city and country town or commune, which ended by supplanting *nouït*. The tomb of the prince of Beni Hassan was a *nouït* and in the Under World the kingdom of every hour bears the same name, which may be best rendered by the English tŏwn, a word with an almost identical history, reaching from the primitive thorn hedge enclosure of the rudest village to the "Town," which is in effect a proper name for the national capital. Even the intermediate use of *nout* has a counterpart in the phraseology of rustics, who speak of their own village or village street as "the town." Nouit, however, means in strictness only an Egyptian town; the name is never applied to the cities of foreigners, for which the more modern word *timit* is used, a fact which helps to show that the ancient name implied not merely a settlement of a certain size, which might exist anywhere, but also one governed and administered in a particular way, only to be met with in Egypt.

The government of the early empire was decentralized; local tribunals, magazines, and militia existed,[2] showing that the government of the princes had included all these elements, but from the Third to the Fifth Dynasty the power of the crown seems to have been in the ascendant. The great nobles of the country were content to follow the king to the capital and to hold office by his appointment, sometimes exercising by

four geese were let fly by the priests to carry word to the four regions of the heavens that the new Horus had placed the red and the white crown upon his head. Erman, *loc cit.*, p. 102. Thothmes III. is styled "the great king who has taken possession of the four regions of the world."

[1] An early title is "governor of the town of the Pyramid." (*Proceedings Soc. Bibl. Archæol.*, 1887, p. 184.)

[2] Erman, *loc. cit.*, p. 128.

his favour a much wider command[1] than belonged to any hereditary jurisdiction, but apparently purchasing the chance by considerable sacrifices of their independence. The burial places of the nomarchs at different periods show by their situation whether the latter regarded themselves as royal officials or local chiefs. Throughout the Fourth and Fifth Dynasties their tombs surround the monuments of the kings, but in the Sixth Dynasty, and still more conspicuously under the Twelfth, they lie among their own people in their own lands,[2] as if the first splendour of the Memphite monarchy had been followed by a revival or development of a quasi-feudal state.

The course of events in China was exactly parallel to the half hypothetical outline thus sketched for Egypt. The hereditary princes of the south were the counterpart to the feudal princes of ancient China, and like them supplied pretenders or local independent kinglets, whenever the monarchy was weak. The correct style of address from the emperor to the princes was "Uncle," while in Egypt under the first dynasties "royal cousin" is the stock designation of those high in office or favour at court. The local princes in each case were considered as kinsmen of the sovereign, or rather, perhaps, the ruler was regarded as sharing their descent from the principal families of the united race. In China the different branches of the black-haired people were forced to cling together by their position, surrounded in every direction by barbarous foreign tribes; and the nation fared best when the monarchy was strongest and the king's kinsmen ready to serve as his ministers, instead of rivalling him in the surrounding States; but when the decline of the Chow Dynasty began, towards the ninth century B.C., the States began to assert their independence and periods of confusion followed, like those described by Rameses II., when "every one was doing what he wished, and they had no superior for many years who had priority over the others."[3] Probably both in Egypt and China the kings succeeded local chiefs, exercising less than royal powers; but it is also probable in Egypt, and certain in China, that a feudal period followed one of primitive monarchical centralization.

The animosities and rivalries of adjoining nomes, which lasted to the close of Egyptian history, are in a way an argument for the immemorial antiquity of their separation. In one of the monuments of the Twelfth Dynasty the nomarch of Un is represented as receiving almost royal honours, his statue being dragged along by "the clans of the east" and "the clans of the west of Un." These clans, like those met with in rural China, no doubt represented communities held together by a real genea-

[1] Lepsius, *Denkmaler*, ii. 99. A Kaqimna, possibly the same as the one in the Prisse papyrus, is "overseer of the whole land of the North and South."

[2] Erman, *loc. cit.*, p. 133. Under Thothmes III., again, hereditary princes began to be buried at Thebes, a sure sign of the growing ascendancy of the monarchy. (*Mém. de la Mission Archéologique Française au Caire*, v. 362, 437.)

[3] The passage following is rendered by Drs. Birch and Eisenlohr: The land of Egypt was "under *chiefs of nomes*, each person killing the other for ambition and jealousy." (*Records of the Past*, vol. viii. p. 46.)

logical tie; but the very fact that they are mentioned in the plural shows that their relation to the prince bore no resemblance to that of highland clansmen to their chief. In the Middle Empire time was counted by the nomarch's years, and sometimes more than half the inhabitants of a nome bear names like his, but even this is not a token of clannishness, except in the metaphorical sense. The Egyptians do not use surnames, but it was the custom for royal officials to pay their court to Pharaoh by calling their children after him, and even changing their own names in different reigns; and when the power of the local rulers was at its height, in this, as in other respects, they followed the fashions of the royal court.

The tendency under the later monarchy was to substitute the appointed nomarch for the hereditary prince, and this tendency was probably associated with the growth of the cities and the increase in their comparative importance. The ancient prince ruled over a state filled with thriving townships; the nomarch governed a province divided into town and country districts, of which the former of course was the seat of administration, while the latter included all the lesser townships, together with the cultivated fields, the marshes, which were used either for water-plants and fowls, or pasture, and the branching canals with their banks. The prince was ruler and lord over a number of village headmen who looked to him for protection in return for tribute, and no change in the political status of the superior chief affected the minor administrative details which alone were of practical importance to the people. The number of local governorships cannot have varied much after the country was once fully settled, for if a break occurred in the succession when the local governor had enjoyed the rank of an hereditary prince, the king did not, as in modern feudalism, claim to annex the inheritance of the vassal for the crown, but bestowed the dignity on some suitable officer of his own, who might even hope to be succeeded by his son. It made little difference to the dwellers in the nome whether the local government was carried on in the name of an independent kinglet or hereditary prince, or by a lord appointed to an hereditary governorship, in the name of the wearer of the two crowns. The administrative machinery was the same in all cases.

From the village to the city, the province or the state, the same organization prevailed: there is one person who "shows the way" to his neighbours, fellow townsmen, fellow citizens, or fellow countrymen;[1] him they look up to and obey, and from this leader or chief, within the sphere of his authority, they expect justice and protection in return for their obedience. The combination, in Egypt, of the paternal or patriarchal spirit in the government, with an elaborate and workmanlike administrative machinery, is most easily explained on the supposition that the administrative details were organized in the first instance by the people in their own way, if only on

[1] Maspero, *loc. cit.*, p. 321. The *Hâ na timitou ouhouï* = "those who walk at the head of" the cities and townships. This hâ, the first—of village, town or province, may be anything from a village headman to an hereditary prince. Erpa or ropa ha is the hereditary prince of the first rank. Erpa by itself seems to have indicated family without office. (De Rougé, *Recherches sur les monuments des prem. 6 dynasties de l'Egypte*, p. 344.)

a small scale, and then taken over by the monarchy, which could only improve on them by securing their perpetuity, that is, by keeping the peace amongst rival princes and so preserving the self-government of their respective cities.

It is scarcely possible to doubt the historical character of Menes, the founder of Memphis, and supposed builder of the dyke which still protects the province of Gizeh from inundation. It is true that we have no contemporary records concerning the eight kings of the First Dynasty, but the chances are considerable against the preservation of the first monuments erected, and there are some anonymous works which in point of style might easily belong to the Second Dynasty, the fifth king of which is mentioned in several subsequent monuments,[1] referring to the worship still paid to him. The continuation of such worship through later reigns or dynasties is a sure test of the popularity or fame of Egyptian princes; and this king Sent was one of the names best known to ancient tradition, since he is supposed to have revised a medical treatise, said to have been found in the fifth reign of the First Dynasty. The meagre notices of all these reigns preserved by Manetho read like a transcript from some genuine but scanty early chronicle, in which portents and prodigies receive a disproportionate place. In style and matter they much resemble the so-called Bamboo Books of China. The fourth king of the Third Dynasty is the hero of the *Story of the Peasant*, and the ninth or last but one is Senoferu, commemorated in the Prisse papyrus, in the Wadi Maghara and on contemporary tombs.

With the Fourth Dynasty, really, contemporary monuments of all kinds begin, so that the dim age of Egyptian antiquity includes only twenty-six reigns extending perhaps over some four hundred years, a period quite long enough for a civilized people to consolidate the government of a civilized state. We know what four hundred years represent in the early history of Greece, Rome or England, and it is a mistake to suppose that the processes of growth must have been as slow in Egypt as those of decay. On the contrary, the very simplicity of the political order, which was one condition of its stability, negatives the idea of its being the result of a long period of development.

The history of Egypt falls into three or four main periods;[2] the Ancient Empire, including the reign of the first six dynasties, the Middle Empire, represented mainly by the great Twelfth Dynasty, and the New or later Empire, best represented by the Eighteenth and Nineteenth Dynasties, though there is no broad line of demarcation between these and the Seventeenth and Twentieth Dynasties. After the Twentieth Dynasty, the period of decadence, ending with the loss of Egyptian independence, sets in, but from first to last there is very little change in the broad general features of Egyptian life; the constitution of the state, the social order, and the customary working of the domestic relations, undergo little alteration

[1] A. Wiedemann, *Proc. Society of Biblical Archæology*, vol. ix. p. 180. The Ashmolean Museum at Oxford has a funeral inscription of a relative of his.

[2] Appendix A. *Egyptian Chronology.*

through the three thousand years or more during which they can be traced, so that there is little risk of error in using the documents of the most distant periods to illustrate each other.

In all cases it is important to distinguish to which of the above four main periods the authority for any statement belongs; and if evidence for any fact is to be met with in one of these periods only, the corresponding statement cannot be safely generalized, as if all the "ancient Egyptians" had lived at the same time. On the other hand, however, we should miss the most instructive lessons of Egyptian history if, in our desire to distinguish between successive periods, we overlooked those characteristics which are really common to the ancient Egyptians of all periods, and have a special claim on our attention in virtue of that very fact. Indications as to usage and feeling, which would be too slight to build on if they stood alone, may become valuable when they appear as links in a series of continuous, involuntary revelations, and we run no risk, in bringing them together, of exaggerating the stability of Egyptian modes of thought and life.

## § 2. Egyptian Theory of the Ruler's Duty.

As in China, the only duties described and inculcated at much length in the classical texts are those of the rulers and governors of the people. The religion of the country is not associated with the idea of onerous obligations, and the domestic relations are considered and valued as naturally pleasurable. There is thus a dearth of such clues as may be obtained to the manners and customs of a people from the utterances of lawgivers and moralists seeking to correct or control them. We have instead only the self-complacent descriptions of their own lives by persons well assured that they have done all that which it was their duty to do, and not at all disposed to regard themselves as unprofitable servants either of Pharaoh or his people. We gather from these professions of conduct, and from the corresponding negative confession in the Ritual, what ideal the governing class set before itself; and we may be sure, from the comfortable absence of self-criticism which characterizes their autobiographies, that no member of the class had consciously acquiesced in any other standard as practically preferable.

The Prisse papyrus, sometimes described as "the oldest book in the world," contains two sets of sentences or maxims, both attributed to writers of the Ancient Empire, and so archaic in style and matter that there is nothing incredible in the antiquity claimed for them. The title of the most important describes it as "an arrangement of good words"[1] by Ptah-hotep, a prince and nomarch who flourished in the reign of Assa, the last king but one of the Fifth Dynasty. The sage, who represents himself

[1] Perhaps the first metrical or rhythmic version of maxims already formulated. "The Precepts of Ptah-hotep," by Philippe Virey. *Records of the Past.* New series, vol. iii. 1–35. And, by the same author, *Études sur le Papyrus Prisse, le Livre de Kaqimna et les Leçons de Ptah-hotep.* Vieweg, Paris, 1887. *Bibliothèque de l'Ecole des hautes Études.* Fasc. 70.)

dramatically as suffering from the infirmities of extreme old age, proceeds to show how the aged man may nevertheless be of use by setting forth the conclusions of his experience for the instruction of youth. His advice is directed mainly to the governing or ministerial class and to them in their relations to their superiors and their subordinates.

Superiors are to be treated with more deference than mere politeness imposes upon all, but a wise officer will not be afraid of giving unpalatably good advice to a master; if it is resented, he will keep silence, but will not be induced to say the thing which is not.

The wise man speaks, sees and hears or understands the Truth,—in the very wide sense in which the Egyptians used the word, as representing *conformity*, not merely conformity to fact, but to rule and nature, so that the true is equivalent at once to the good or just, and to the real. "Truth gives life," is a proper name, and to "make a thing true" is to "make it good" as we should say, to restore or renew its reality.[1] Veracity is thus synonymous with both wisdom and virtue, and the wise man's "mind and tongue are together."[2] Justice is great, indispensable and unchangeable, even from the days of Osiris. Those who are in authority must seek the perfect way, and every one has learnt from his father that the limits of justice are invariable.

It is contrary to justice for one to say, "I seize this for myself, of my own will, by my power." The cultivator should be content to gather his harvest in the field given him by great God, nor fill his mouth with that which is his neighbour's. To do so is as bad as the tyrant who, like a crocodile, takes by force, whose children are accursed, whose father is in sorrow, and his mother the least blessed amongst women. The reverse picture to such a crocodile is the head of a clan whom all the members of it long to follow.[3] Servants and dependents should be well treated, and then, in case of need, they will not require urging, but will say to each other, "Come on." Those who serve the great should be active, doing more than what is ordered. Those who have to give orders should not do so arbitrarily, but only to guide or direct the work on hand. They are not to spread terror among men: if any one seeks to live by so doing, "it is God who will deprive his mouth of bread." Let men live in the bosom of peace, and they will give voluntarily of their own accord. Those who administer the riches of the great are exhorted to consider their own and their employer's interest as one, since in collecting for him the revenues upon which he lives they are also collecting for themselves, who live on what he has and gives.

The regard which is assumed to exist between the great lord and his agent (as between the king and his chief officers) ought to be reproduced

[1] P. Pierret, *Études Egyptologiques*, Livr. viii. p. 94. *Mém. de la Miss.*, v. i. p. 101.

[2] Cf. the Chinese maxim, according to which the superior man "acts before he speaks, and afterwards speaks according to his action."

[3] A governor of Thebes, at the beginning of the Twelfth Dynasty, boasts that "the people of the Thebaid loved me, for I never showed them the countenance of a crocodile." (Maspero, *Report of Int. Or. Congress of* 1873, vol. ii. p. 48.)

between the agent and his subordinates. Nowhere except in Egypt is so much stress laid upon the idea that authority is sustained by affection; docility or obedience are lovable, and that is the best of all good things. The son who obeys his father shall grow old; but obedience should be willing, and then it is joyful. The son who obeys his father will be agreeable to the great. The obedient son of a wise father instructs his children in the same wisdom, and so the teaching of the wise endures; no word should be added and none taken away. The reward of the official who follows all these counsels is, that his chief will call him "son" and the bystanders will praise the mother who bore him. A good son (like a virtuous servant) even goes beyond the instructions given him. If the writer's son fulfils all these his father's words, he will enjoy health and the king's favour, and live one hundred and ten years, the age which Ptah-hotep professes to have reached himself, and which is the conventional Egyptian phase for the ideal fulness of years.

These are not mere commonplaces of universal philanthropy. Considering the extreme brevity of the text, it is surprising at how many different points it casts a light upon the real peculiarities of Egyptian society.

In addition to the precepts already quoted, there is one, warning a minister not to alter the sense of the message entrusted to him, in order to please the potentate addressed. Such a counsel would hardly have been needful in later ages, when diplomatic intercourse between the Pharaohs and foreign princes was rare, and when, at all events, an Egyptian ambassador would be under no temptation to please such a foreigner rather than his own master. But if the constitution of ancient Egypt resembled that of China, the warning becomes intelligible and appropriate. Throughout the three first Chinese dynasties the intercourse between the emperor and the princes, between the sovereign of the Middle Kingdom and the ruler of the surrounding states, was a matter of the utmost importance, and the regulation of the ceremonies connected with it received the most anxious attention of statesmen, who rightly saw in it the palladium of the black-haired people's nationality. The hereditary princes of ancient Egypt, no doubt, each had a court reproducing in miniature that surrounding the wearer of the two diadems, and unless the ministers of both king and princes could be depended on not to sacrifice truth to courtesy, the interests of one or other must have been endangered.

Deferential insincerity was recognised as the sin naturally besetting office-holders, but the temptation sprang less from fear than love, or at least from a sincere desire to please, and it shows how fastidiously high the moral standard of the Egyptians was, that they insisted equally and simultaneously on the duties of courtesy and truthfulness.

The book of Kaqimna and the Lessons of Ptah-hotep bear a closer resemblance to the Chinese classics than to any other writings on this very account. They treat manners as a part of morals and they insist

upon self-control and consideration for others as the essential foundation of good manners. Moderation and courtesy in discussion are prescribed; and even if the other side is violent or in error, the son of the sage must continue calm and respectful. Patience, tolerance, and politeness are enjoined in a man's dealings with his neighbours; calm and composed speech befit those who have to give orders, and he who would do justice must have patience to listen to the whole story of his petitioners. The moderation to be observed in speech, should, if necessary, be lent to others, and the son of the sage will not repeat that which never ought to have been said. A small man who becomes great should give courteous precedence to his former equals. It is contrary to the rules of politeness to interrupt or dispute, and, according to them to show a bright face. No man ever left his coffin after being laid to rest there, and meanwhile it is ungracious to scowl upon life "like some one who comes out of the store-room looking as if he hadn't had enough to eat." [1]

Kaqimna,[2] a contemporary of Senoferu, condescends to still minuter details: when eating in company, a well-bred person will disguise his own tastes, in order to leave what is best for other people, but if his companions are of the rough, jovial sort, who eat and drink to excess (literally "till their girdle bursts") he will keep them company, and do violence to his own inclinations rather than refuse the morsels offered him. "A discourteous man is a grief to his mother and his kindred." [3]

Whether these treatises were really written by the eminent persons to whom they are ascribed is not of very great importance. Many of the maxims reappear, but slightly modified, in the words of a Ramessid scribe (and indeed in the Wisdom of Jesus the son of Sirach); and even if our edition of Ptah-hotep had been prepared some time between the Sixth and the Twelfth Dynasties, the sentiments of the ancient monarchy would be as well remembered and as faithfully reproduced then as those of the Prisse papyrus are by Scribe Ani, and his again in the demotic maxims translated by M. Revillout. The relation between the hereditary ruler and his chosen minister is represented in the same light by Ptah-hotep and the private monuments of the Fourth, Fifth, and Sixth Dynasties, and even under the Persians and the Greeks, the tradition of it had not become entirely extinct.

Ptah-hotep calls himself a king's son, but as he himself explains that the title "son" may be a complimentary reward for good service, we are not obliged to take the statement literally; anyway he concerns himself more with the duties of ministers than of princes, of officials rather than of those

[1] Or as if his share of "the loaves of communion" had been unsatisfactory; (?) a trace of common cultivation like the Chinese.

[2] The monuments mention an "overseer of the whole land of the North and South," bearing this name, at about the same period; the office was one of great importance; indeed Una, when filling it, boasts of the honours conferred on him as unexampled in history, but this is only a formula.

[3] The special mention of the mother as dishonoured by a tyrannical or unmannerly son is important in connection with other peculiarities of the relationship referred to subsequently.

whom they serve. He seems to regard differences of rank as in a way accidental, but to be recognised without discontent as an accomplished fact. The accident of birth is not final, and small men may rise to high office. It is assumed that they rise through their merits, and this accounts for the quasi-Chinese tone used in speaking of the class which serves or administers as if it were in some way the highest.

The "son of the sage" answers to the "superior man" of Confucian moralities; and while it was hardly expected, at least in Egypt, that the king should be a sage himself, he was seriously required, as in China, to choose superior men to administer the government, and to regulate his own conduct in accordance with their sense of propriety. Diodorus was informed that the ancient kings of Egypt did not live after the manner of other monarchs,[1] doing as they pleased, but in everything conformed to the laws of the country, not merely in what concerned the public administration of government, but in their private affairs and conversation. All real power was in the hands of the learned class, the repository of all sacred and secular knowledge.

According to Diodorus, the high priests, in praying for the king, used to expatiate on the virtues which he ought to display and denounce any offences he might commit, laying the blame of them, in true constitutional style, upon his bad advisers. Sacred records, past laws and history, were read out for his edification, but in spite of all these traditional restraints it would have been the height of impoliteness, not to say blasphemy, to suggest a doubt as to the real omnipotence of Pharaoh, and there could therefore be no sense of restraint in the conformity which a good king would show in observing the immemorial rules of truth and justice. On the other hand, frivolous or wilful monarchs would find their hands tied and their movements trammelled by the iron fetters of court etiquette, which in the name of their own exalted dignity cut them off from all opportunities of licentious indulgence.

There is a fragmentary record of the reign of Amasis,[2] telling how the king scandalized his officers by desiring to go upon the water and drink beer. Like Chinese ministers in a similar case, they are torn in two between their boundless respect for the person of the king, which makes it impossible to tell him in so many words that he must forbear, and their boundless respect for the dignity of the kingly office, which is disgraced by such impropriety. Unfortunately the end of the story is wanting, but it evidently concluded with a rebuke administered in the form of an anecdote, with a delicate indirectness requiring the highest diplomatic skill,—a skill without which the rôle of a high-minded courtier must have become impossible both in Egypt and China.

It is in the earliest monuments that most stress is laid upon the affection subsisting between the king and his servants. In the autobiographical inscriptions of the first dynasties the highest officials boast, with an evident air of sincerity, not only of the rewards bestowed on them

[1] Diod. Sic., I. vi. [2] *Cours de droit Egyptien*, p. 18. By Eugène Revillout.

by their royal masters, but of his personal delight in their services and the tenderness of his regard for them.[1] In connection with this trait, it is significant to find amongst the evils imprecated upon sacrilegious persons, "The great shall not enter their house so long as they live on earth. They shall not enter nor be brought into the house of Pharaoh. They shall not hear the words of the king in the hour of his cheerfulness."

The reward, on the other hand, of those who respect the funeral rites of the dead, is, that they shall share the royal feasts when they rest in the Amenti after the ideally long life of one hundred and ten years. To entertain superiors, and to share their social relaxations, was evidently regarded in Egypt as a real pleasure and privilege, instead of a dangerous honour, as in later Oriental despotisms; and in the *Praise of Learning*, a list of the social and material disadvantages under which the ancient fellah suffered, includes, as apparently the most painful badge of inferiority, that "the hall of every house," the scene of social festivities, is shut against him.

### § 3. Hereditary and Appointed Officers.

The often quoted statement of Diodorus that "all the Egyptians are equally noble," would have applied equally to every period of the monarchy, for at the earliest time of which we have any knowledge there was no marked distinction between the hereditary possessor of wealth and office, and a man of obscure birth, who had received both from the king as a reward of personal merit. Egypt and China are not peculiar in this respect. In all Oriental countries there is something of the same general diffusion of good manners, and the same half servile, half democratic feeling that, before God and the king, one man is much the same as another, so that a man of the lowest birth may come to stand next in authority to the throne. What *was* peculiar to the two long-lived civilizations is the restriction of power to the learned class, so that an hereditary prince, without personal qualifications, could not serve the king in office, while a scribe of humble birth, who distinguished himself in discharge of the king's commissions, might be rewarded by the grant of hereditary office as well as private estates.

The independent local aristocracy consisted of the "royal cousins," descended from princes whose ancestors may have been the equals of those of Menes, and who were still counted as the king's relations, though they had no power outside their own estates unless by his appointment. On the other hand, the highest honour which could be bestowed upon an officer of lower birth, was to turn him into a relation by giving him in marriage a woman from the house of Pharaoh, just as the Incas used to reward their nobles with the hand of a virgin from the house of the sun. The road to power, or rather to office, was by royal favour, and this was to be won, as we gather from one autobiographical epitaph after another, by administrative skill and energy, by success in the conduct of warlike ex-

[1] For phrases describing the valued intimacy with the king, see Erman, *l.c.*, p. 108.

peditions, or the transport of valuable stones for monuments, and, what is presupposed in both of these, the exercise of an upright and humane control over all branches of the civil service of the country.

A granddaughter of Menkara (Mycerinus) was given in marriage to an officer of this sort, who is described as superintendent of mines, governor of temple domains, master of the stores for the royal household, and, as a crowning privilege, dispensed from the ceremony of prostration, and allowed to kiss the king's knee.

The career of Amten, an officer of Senoferu, who filled a number of offices, of gradually increasing importance, can be traced at length.[1] His father was a chief scribe, and his mother was *not* a lady of property; it is mentioned (as something exceptional?) that she could not supply him "with loaves kneaded in her own house," so that his father provided for his maintenance. Perhaps she was not an "established wife," and subsequently, when Amten received two hundred plots of land and an allowance of bread from the king, he assigned a quarter of the lands as a provision for his mother. He had the right of bearing "the staff of commandment" given him, which is an additional reason for supposing him not to have been "born" or "descended," as this emblem of authority is generally wielded as of course by the lord of a tomb. As "scribe of the place of provisions," he probably had the duty of receiving the king's dues in kind, while another office connected with the same "place" may have involved the issuing of wages, also in kind, to the servants or employees of the realm, just as, in ancient China, the royal revenues were received, and the salaries of officials paid, in grain. The significance of another title (*haqou ahouit*), associated with the governorship of a castle in the Saite nome, will be more conveniently discussed hereafter.

The inscription of Una, who flourished during the first four reigns of the Sixth Dynasty, is a typical specimen of its kind.[2] It describes how he began his career under king Teta, whose treasury he superintended, and whose irrigated lands he inspected: in the next reign he was "dearer to the heart of the king than all the dear nobles, and all the other servants of the land." He was employed to bring a monolith for the sarcophagus of the king, and stones for his pyramid, thereby causing "the most perfect pleasure to the heart of his Majesty." Una was as successful in war as in peace, and led five successful expeditions against "the land of the Hirusha." Negro troops were included in his army, and the scene of his victories was probably in Palestine, as he speaks of cutting down vines and fig trees.

Even after death it has been his fortune to render to his master such services as lie nearest to the heart of an Egyptian, for it is owing to his description of the material used for King Pepi's sarcophagus (white limestone) that the impostor, with a basalt coffin, who had usurped the funeral chamber in the king's pyramid, was detected and balked of his chance of

[1] *La carrière administrative de deux hauts fonctionnaires Égyptiens vers la fin de la troisième dynastie.* G. Maspero. *Journ. As.*, April, 1890.

[2] Translated (*inter alia*) by M. Maspero. *Records of the Past*, N.S., ii. 1–10.

a fraudulent immortality. In the next reign Una's favour continued undiminished, indeed he was made governor of the whole of Upper Egypt, a thing the "like of which had never been done before." He was again employed in fetching granite for the pyramid of king Mer-en-ra, and in cutting down forests in the south to form rafts and boats for its conveyance down the river.

No other private inscription belonging to the Ancient Empire gives similarly detailed historical information, but a number of tombs belonging to the Fourth and Fifth Dynasties, show the titles and offices held by the departed, and gives indications of their character, which seem the more reliable, since the phases are not, as a matter of course, the same in all. Minor personages, servants and attendants are often represented and mentioned by name in the earliest tombs, and in them also we find frequently instead of, or in addition to, the wife and children, the figure of a so-called "friend," or "brother of eternity." Such a friend and a dog accompany Khafra-ankh, a priest of the Pyramid of Khufu, while his son is represented as presiding over scribes and servants; elsewhere he is seated side by side with his wife, resting his hand on her shoulder, and the pictures seem to have been added by degrees, for the number of his children rises finally to six, three sons and three daughters, with perhaps one child of the next generation.[1] The title of the king's friend or intimate,[2] which ultimately became, as it were, official, is bestowed on several of the deceased.

One tomb of the same (fourth) dynasty, commemorates an officer of Khufu, "who loves his master," and his wife, "who loves him."[3] In another the usual representation of scenes of harvest, fishing, etc., bears the legend, "Aspect of the things around me in the region where I said the truth, where I did the truth,"[4] the speaker in his tomb assures those who come after him, that if they will do likewise, they also, like him, will have wealth to leave to their descendants. He loved his father and mother, was gentle with his companions, and affectionate to his servants; he made no quarrels, and ill-used no one. In the same tone, one Samnefer, the father of several sons, all holding some kind of office, declares: "I have spoken the truth, I have loved God; at court I spoke good (of others), I have never said anything bad against any one to the Divine Majesty of the King."[5]

Another grave of the Fifth Dynasty belonging to a priest of Menkara, enriched with two sturdy archaic portrait statues of the deceased, represents him sailing to the Amenti, accompanied by his son, the doctor and scribe Ptah-hotep, his wife, priestess of the crown of Neit, two other sons, scribes, and a comrade of eternity. The tomb was intended to contain another statue, and the legend says: "May justice be with every man who arrives

[1] Lepsius, *Denkmaler*, ii. 8–10. Description by P. Pierret.
[2] The term is rendered "living in the heart of."
[3] This is the usual rendering, but M. Renouf argues that it should be taken "whom he loves." The possibility of such a difference of opinion illustrates the uncertainty of many difficult texts.
[4] *Denkmaler*, ii. 43. [5] *Ib.*, ii. 79–81.

by this statue, his image, in the place where is one equitable in words, who never did evil, but did that which every man ought to do."[1] Elsewhere we find what this is, compendiously described as "to worship God, love men, and honour the dead; to feed the hungry and thirsty, to clothe the naked, and to lead the wanderers on the right way."

The general intention of the epitaphs is clearly only to state, on behalf of the deceased, that he was a virtuous citizen, but they continue to do so in substantially the same terms in the later as in the earlier monuments. "I gave bread to the hungry, water to the thirsty, clothes to the naked. I gave food to the sacred beasts, and bestowed oil and garments for them. I entertained hospitably master and servant on their journey. The gates were open to the stranger coming from without; I gave him everything to sustain his life. God turned His countenance towards me and rewarded me for what I had done. He gave me to live joyfully to a great age on earth, and numerous children sat at my feet, my son with his son beside him on the day when I departed from life."[2]

A twelfth dynasty inscription[3] lays more stress on less material good deeds, and describes its subject as "speaking fair, reciprocating love, void of speaking evil, doing the behests of the God of his township, the beloved of his nome." All other boasts might be unfounded, but it is scarcely possible for a magnate who is hated for his own or his servants' tyranny to delude himself that he is loved; and at the same time, if members of a ruling class consider their felicity or their reputation imperfect unless they are genuinely popular with their dependants, it is obvious that conduct irreconcilable with such popularity cannot be openly and systematically pursued.

The beloved governor was a real personage, not a fancy portrait designed by the undertaker's stone-mason. Perhaps the strongest proof of this is given by a hymn to the great God Amon, of whom nothing better can be said than that he is as good to the miserable as "a good governor."[4] The king is the bestower of protection, of security, of life, health and the heart's joy, as well as the lord of justice and the lord of eternity. Indeed, in the ordinary phraseology of religious texts, while Amon and the other divine personages are distinguished as "the great Gods," the king is known as "the good god."[5]

It seems thus that the most ancient religions begin by recognising the *power* of the unseen or uncontrollable influences which affect humanity, and the *goodness* of visible human agents, whose power is exercised for the benefit of the masses subjected to their action. Human goodness is by-and-by attributed to the great Gods, when the community has become attached to its mode of life, and has discerned that its peaceful continuance is partly dependent on the co-operation of the uncontrollable

[1] *Ib.*, ii. 46. [2] *Ægyptische Gräberwelt*, p. 32. Brugsch Bey.
[3] *Proceedings Soc. Bibl. Arch.*, Nov., 1887, p. 23.
[4] Chabas, *Mélanges Égyptologiques*, 3rd Ser., p. 61.
[5] Erman, *loc. cit.*, i. p. 91.

powers, which are accordingly judged to be friendly. But the language in which the Gods are spoken of is so easily borrowed, that we can seldom be as sure as in Egypt that religious texts reflect the historical order of ideas, according to which human goodness was first observed, admired and named; and then, because of its admirableness, ascribed to the Gods,—not first believed in as a divine attribute and commended for human imitation.

The Egyptian priesthood was a much larger and more varied body than is generally designated by such a name. It included the whole circle of the educated, and in the palmy days of Egyptian independence there was little except the rudiments of education in common between the lower class of priests, who attended to the routine of the temple services, and the learned class, who were eligible for the highest judicial or administrative offices. A sort of middle class was formed by the scribes, whose business it was to transmit the orders of the ruling few to the obedient many; but the position of these intermediaries was variable, touching at one extremity almost the highest and at the other the lowest ranks in the community. The whole body of officials in the service of the king, the whole body of priests, and the scribes in the employ of private persons, all belonged to the literary class, and any member of this class was eligible for the highest posts. In Egypt, therefore, as in China, high office was theoretically open to every one who had received a literary education, and the several claims of birth and merit were allowed to subsist side by side.

The orthodox Chinese theory allows rank and wealth to be inherited, but not office; and in spite of the strong family feeling of the Egyptians, the transmission of power from father to son was made in practice to depend upon the son's fitness for its exercise.

We learn this from Scribe Ani, whose terse maxims state both sides of the question with equal force. "The old bull is faithful to the soil he has been taught to till and remains what the herdsman has made him; the lion, though fierce, becomes more obedient than the ass; the horse is harnessed and takes to the road obediently; the dog, oh, he understands what is said, he follows his master. The camel [1] bears burdens, did not its mother before it? the negro is taught to speak the language of Egypt, Syria and all foreign countries. So," says the old scribe to his son, "Be obedient, and that which I have told thee of my doing in the discharge of all my functions, thou also wilt know how to do the same." [2]

The parental tutor hopes to make skill hereditary by education, but, on the other hand, when he is not thinking of his own son, the voice of general experience speaks: "The Controller of the Treasure has no son, the aged chancellor no heir; the hand, the skill of the scribe are his own; he does not give that to his children. The great, the miserable, make themselves."

Such maxims, handed down from age to age, no doubt made it easy

[1] The translation of this word has been questioned, but if not camel what can it mean?
[2] Chabas, *L'Égyptologie*, 1874-7. *Maximes du Scribe Ani*, 62.

for the rulers to abide in the moderate middle course which seems to have suited the national genius, giving, as a rule, a first chance to the sons of fortune and all the rest to merit, irrespective of rank. During periods of disturbance the numbers of the literary class fell, which is an argument that its administration was on the whole disinterested. A son of the high priest of Sais, who had been dispossessed of his functions by Amasis and was restored to the chief priesthood by Cambyses, claimed to be rendering a service to the state in having promising children trained at the public cost to the scribe's profession, "knowing that this was the best means of restoring what had fallen into ruin, of rendering firm the names of the Gods, their temples, their revenues, and the celebration of their festivals for evermore."[1] A corrupt bureaucracy would have taken advantage of the Persian conquest to enrich and aggrandize itself and its descendants, whereas even the less patriotic of the Egyptians aimed rather at saving the constitution, as we might phrase it, by keeping up the old native form of administration under foreign conquerors, a course pursued successfully by Chinese statesmen more than once under analogous conditions.

The reason that Egyptian scribes never claimed or received the same distinction as the whole class of Chinese literati, is because only one of the three channels open to them led to the great prizes: a berth in the hereditary priesthood, or in the employment of private patrons was a comfortable provision, but no particular honour attached to it. The great officers of the king, on the other hand, might owe preferment to their hereditary rank as well as to their literary education, to birth as well as to merit, and thus there was not the same sentiment in favour of literary merit as the *only* path to rank and power. If the literary class in China were expected to furnish the empire, let us say, with Taoist priests and commercial clerks as well as with officials, the parallel with Egypt would be closer, and the status of the learned certainly lower than at present.

In Egypt there was not the same separation as in China between popular religion and orthodox philosophy, and so it was possible for a scholar to be a priest or a priest a learned man, though the rank and file of the priesthood did not occupy so high a position in the social order as has been imagined. The national system of education was in the hands of learned priests, while the ordinary service of the temples was left to priests who were not learned; and the highest secular officials were so far in relation with the hierarchy as to have received their training at its hands.

Under the early monarchy the chief officials were sent "to perform commissions" of all sorts indiscriminately. A great architect was certain to stand so high in the royal favour as to be entrusted with other offices of state, while a successful general or administrator was sure to be honoured with a general supervision of "the works of the palace of the king," or whatever architectural enterprise was in favour at the time. The office of architect, however, was hereditary, like that of priest, and the lapse of time no doubt tended to render the division of labour between, for example

[1] *Revue Egyptologique*, vol. i. p. 71.

building priests and fighting architects more clearly marked than it seems to have been under the first Dynasties.

Among the principal scribes mentioned in Egyptian texts are the royal scribe or the scribe of Pharaoh, the scribe of the table of offerings of the lord of two worlds, the scribe of the treasures, also scribes of the store-houses, the scribe of recruiting (?), the scribe of the tribunal of justice, the scribe of the artizans, the scribe of the temple, the scribe of the troops, the scribe accountant of everything, the chief of the scribes of the table of all the gods.[1] Every department, as one might say, of Church and State was administered by a chief and an inferior scribe.

The work of the inferior grades was such as might be done by mere students, and in Egypt, as in ancient China before the system of examination was fully developed, it seems to have been usual for young scribes to pursue their literary studies while serving their apprenticeship to practical office work. This is proved by the scribbled memoranda on the back of many of our copies of *The Praises of Learning*, and other themes, which sometimes supply very valuable hints as to the prices of commodities and the nature of the transactions which the scribes were privileged to conduct.

They were of course the only arithmeticians in the community, and not particularly skilful ones, having more in common in this respect with the Chinese than the Babylonians. The class of problems, however, with which they had to deal did not vary much, and so, in spite of the cumbrous processes in use, the solutions were arrived at somehow; and the laity were, perhaps, all the more impressed because of the apparent abstruseness of the calculations, required to show, for instance, the amount of corn contained in a granary of given dimensions or the size of a field of specified length and breadth. One of the sums is more interesting, the object being apparently to ascertain the relative value in corn of a stated quantity of beer and bread; wages are to be paid in these commodities, and it seems that their value to the recipient is measured by the quantity of grain employed in their manufacture.[2]

At the opposite pole from these humble clerks there was a class of learned priests, the *reXiu*, called by the Greeks who resorted to them for instruction *pterophores*, who composed or commented on the few religious or philosophic texts which had really classical authority, and in the decline of the empire, were probably all that remained to represent the natural aristocracy of humanely wise statesmen, which gave its character to the ancient government. This class was the depository of the traditional "wisdom of the Egyptians," and furnished the closest parallel in position and influence to the scholars and literati of China.

The ancient dress of the priesthood consisted of a loin cloth, and a panther's skin thrown over the shoulders, a costume which, like the use of sacrificial knives of stone, shows from what rudimentary elements civilization was evolved in Egypt. The priests were primarily pourers of libations, but, as their name *neb* indicates, this rite was associated with ideas of

[1] *Transactions S.B.A.*, vol. vii. pt. 3, p. 426, 7. [2] Erman, *Æg. u. Æg. Leben*, p. 479.

purification rather than sacrifice. Herodotus says that the priests of his day "observe, so to speak, thousands of ceremonies," and he describes more or less accurately their ideas on the subject of natural and ceremonial impurity, and their dislike of foreigners manifested in the assumption of their uncleanness. But ceremoniousness of the courteous sort was not restricted to the priests, though, as we have seen, the rules of propriety received much attention from the most ancient men of letters.

Our information with regard to the educational institutions of Egypt is scanty; an "inspector of writings" is mentioned in a Fifth Dynasty tomb;[1] an officer of the Sixth Dynasty is described as "steward of the house of books,"[2] and similar allusions to royal libraries are met with at recurring intervals. There was a special academy for the instruction of military officers, and the cost of the curriculum to the parents was not less than the value of three slaves.[3] The contract of marriage in the Tale of Setna is written by "the scribe of the house of instruction." Under the Ptolemies every town had a house for a school under the mastership of this personage, and the institution is doubtless nearly as old as the monarchy. Ani counts among the many claims of a mother on her son's gratitude, that as soon as he has left the nursery, and begun to go to school—evidently to the day-school of the township—she brings him food and drink every day from home.

A training school for sacred scribes, disturbed by Cambyses, was restored by Darius, and there can be little doubt that the machinery of public instruction received as much attention in ancient Egypt as in the China of the Chows. Colleges and schools for higher instruction were associated with the temples, where music was also taught, and the *The Praises of Learning* so often referred to, are evidently composed for the benefit of the classes held in these establishments. The allusions to examinations and the reiterated assurances that preferment is the reward of learning make it probable that the officials were chosen from among the more advanced scholars, though there was nothing answering to the elaborate literary competitions of China.

The quasi-constitutional appearance which even foreign conquerors like the Ptolemies succeeded in giving to their government can be best explained if we suppose them only to have taken advantage of the customary annual assembly or conclave of the chiefs of the hierarchy to submit to them the decrees which the king wished to have circulated, and to induce them to throw into customary and acceptable shape as much of them as they were willing to endorse. Merely as interpreters their services must have been almost indispensable, and when the rule of the foreigners was an accomplished fact, the most patriotic natives might easily believe themselves to be doing their country service in Egyptianizing the administration which they could not overthrow.

[1] *Denkmäler*, ii. 60.
[2] Maspero, *Hist. ancienne des peuples de l'orient*, 4th ed. p. 271.
[3] *Ib.*, p. 266. *Babylonian and Oriental Record*, ii. p. 126.

### § 4. Administration of Justice.

We cannot trace in detail the steps by which judicial functions gradually came to be monopolized by the priesthood, but it is probable that in the first instance the administration of justice and the care of the temple estates were handed over to the same persons; namely, those forming the intellectual aristocracy of the country. The object was not to secure priestly judges or judicial priests; but the men esteemed for learning and ability were invited to fill the highest and most responsible offices of all kinds, and as the ceremonial duties of the chief priests were not onerous, the same class and the same individuals were called on to act in the double capacity.

The description given by Diodorus of the constitution of the Egyptian high court of justice is borne out in several respects by the evidence of monuments going back to the first ages of the monarchy.[1] According to him, the judges, taken respectively from Thebes, Memphis, and Heliopolis, formed a college of thirty, which elected its own chief, the city whence he came having the privilege of electing a second representative in his place. Important causes and appeals were brought before this supreme tribunal, which was maintained at the king's expense, and decided all cases with the utmost pains and impartiality in accordance with the laws, "written in eight books," which were brought before them as they sat.

Inscriptions of the ancient empire frequently describe their subjects as belonging to one of the "royal tens," and other phrases show that there were three of these. Ra-hotep is described as chief or mouthpiece of the thirty.[2] Another judge at Thebes is called "the only great one in the seat of the ten," the right (or middle, centre) man of the court of justice of the thirty, who administers the laws of his Horus, the king; and we are further told that "the desire of many was accomplished by his sayings." The gods Chnum and Anubis are called first or chief of the thirty; it was the privilege of the chief of the thirty to draw near to the person of the wearer of both crowns. The thirty Suteni are mentioned in documents of the Twelfth Dynasty, and allusions to the same body occur in incidental phrases, such as: "Among the thirty judges"; "I give thee acquittal before the thirty"; and the like.[3] Mentuhotep, who flourished under Usurtasen I., was an "auditor in the court of the thirty"; he knew what was hidden in everybody; he listened well and spoke wisely; "rival brothers came forth content with what proceeded from his mouth."[4] Whether this tribunal of thirty judges was always composed in the same manner, is another question, which we may hesitate to answer in the affirmative. The number thirty meets us in another context: there are thirty great ones of the south, who do not appear to have been exclusively judges; they acted as chief of the water-ways in their districts, and as

[1] *Revue Égyptologique*, iii. p. 9 ff.
[2] Erman, *loc. cit.*, i. 123.
[3] Erman, *ib.* 123, 4.
[4] *Ib.*, 131; *Transactions S.B.A.*, vii. pt. iii. p. 355.

governor of its chief town, if it had one ; and though they exercised judicial functions as well, it was probably rather as president of an inferior court than as equal members of the central tribunal. There cannot have been as many as thirty nomes in Upper Egypt, and some of the thirty officers must therefore have held governorships of inferior importance.[1]

The ingenuity of the political races, which invented representative government, has rather defeated the purpose of its own invention, since it has suggested the possibility of acquiring a popular reputation, not as an end in itself, or an incidental result of the pursuit of higher ends, but as a means towards the attainment of political power. This development was unknown in primitive states, and hence common fame and local repute had an unequivocal value, and a man who received the suffrages of his fellow-citizens, however they may have been expressed, was proved by that fact alone to possess the qualities of a ruler and a judge. The three "royal tens" consisted perhaps in theory of such local notables and sages, invited by the king and maintained at his cost to administer justice to all his subjects. Ultimately, no doubt, this patriarchal tribunal became professionalized and burdened with a tribe of venal clerks, scribes and doorkeepers, whose exactions under the later monarchy prompt a suitor's hymn to Amon : "O Amon, lend thine ear to him that is alone before the tribunal. He is poor, not rich. The court oppresses him ; silver and gold for the clerks of the book, garments for the servants."[2] Another hymn invokes Amon Ra, the first of the gods, as the protector of the wretched, who is not deceived by the presents of the guilty, and does not "consider promises"[3] in giving judgment.

But, notwithstanding the existence of venal officials, justice was still believed to be in reach of the poorest Egyptian, if he had courage to seek it, not merely from the gods, but from those standing nearest to them on earth. The guilty might have protectors at court, even within the royal household, and woe to the petitioner whose memorial fell into the hands of such an one ; but let it reach the king or the judges of the great tribunal, and just and generous judgment might be looked for. Scribes and even governors were open to bribes, and might give impunity to offenders who should have been punished as a mere matter of police ; but, on the other hand, an appeal could lie against even high officers for wrong done by themselves in their administrative capacity, and the memorial, laid before the supreme court, might include charges of bribery against officials before whom the case had been already tried. Probably the whole working of

[1] M. Maspero rejects the evidence of Diodorus respecting the thirty judges (or *mabiou*) as late and second-hand, but believes in their judicial functions, amongst other good reasons, because the Action between the Belly and the Head is said to be tried before the mabiou (see his *Études Égyptiennes*, i. 260). He conjectures that the which occurs in the word may have only a syllabic value, and denote the syllable *mab*, not the number 30 (*Journ. Asiatique*, 1890, p. 358). But if the sign for 30 has this syllabic value, how and why did it acquire it ? Surely only because of its occurrence in a word of great antiquity and importance.

[2] *Records*, vi. 97.

[3] Chabas, *Mélanges Égyptologiques*, iii. p. 145.

the system resembled that of China, where there is a complete confusion between the domains of civil and criminal law, and where the minor tribunals are so corrupt that decent people are loth to resort to them and endeavour to arrange all disputes *en famille*, but where appeals are referred, in the last resort, to the emperor himself, and the rendering of careful, even-handed justice has always been common enough to compel the admiration of foreigners, in just the same way, at dates that are centuries apart.

The oldest realistic novelette in the world[1] tells how a peasant, oppressed by the son of one Asari, a dependant of the chief steward of the king, appeals first to this officer, whom he addresses as "the orphan's father, the widow's husband, brother of the lonely woman, the clother of the motherless." A council of nobles, the High Steward himself, and the king all in turn appear willing to do justice to the peasant, but the two latter find his eloquence so fascinating, that they keep him waiting for judgment till he has been obliged to uplift his voice in protest and petition no less than nine times. "The majesty of King Neb-ka-n ra, of blessed memory," who was answerable for these delays, gave orders that both the peasant and his wife should receive rations of bread or corn and beer during the course of the trial; after the third petition, the stream of eloquence was stimulated, in very unpardonable fashion, by a beating. Finally, each petition is written at length on a clean roll of papyrus, "and the High Steward Meruitensa sent it to the majesty of King Neb-ka-n-ra, of blessed memory, and it was good within (him) more than anything that is in this whole land." The king then tells his steward to do justice, and, though the end of the text is wanting, there seems every reason to believe that the complainant was compensated for all his troubles, and rewarded for his command of language by a grant of all the property of his oppressor. One phrase in his first appeal is worth noting: the steward is invited to do justice and abolish oppression, like "a praiseworthy man praised by the praiseworthy."

That appeals were made to the king himself, in fact as well as fiction, even with regard to comparatively trivial grievances, is proved by surviving monuments. An engraved stone bears a petition from a workman, named Kenna, to one of the kings Amenhotep, of the Eighteenth Dynasty, respecting the ownership of a house, or, rather, of a building site. Kenna had built a house which another workman occupied and allowed to fall into ruins: Kenna apparently then wished to occupy the plot himself, but was prevented by a third workman, who declared that the king had ordered it to be divided or shared between them. Against this Kenna protests, invoking apparently a decision given in the royal presence by one of the king's scribes, according the sole ownership to him, since otherwise "it is as if he had not built." The text is so fragmentary, that it is difficult to be certain as to the precise point at issue, but it is clear from it, not merely

[1] *The Story of the Peasant*: see *post* p. 86. The latest and most complete version is by Mr. Griffith, *P.S.B.A.*, June, 1892.

that any case might be carried before the sacred person of the king himself, but that points of law as well as pleas for justice might be so submitted. Kenna implies that building a house gives a title to the land upon which it was built, even though the building has fallen down; but as Egyptian, like Chinese law, distinguishes between the abstract ownership of the ground and the house or other products of human labour located on it, the claim might be open to question in a particular case. Kenna asks the king if he really said, "Divide": and if we may guess, from the preservation of the stone, that the answer was favourable and he was allowed to keep the land, the inference would be that land let or sold for building was ceded in perpetuity, or so long as the tenant continued in *bonâ fide* occupation.[1]

Another petition of the same period complains of thefts of meat, drink, clothes, etc., committed by the workmen of a person named, while the plaintiff was at his father's house; he begs his master, apparently the king, to see him righted. Probably all these cases were heard in the first instance by scribes, like the one whose decision Kenna quotes; and only those who failed to obtain justice before, and had a strong conviction of the righteousness of their cause, would think it worth while to persevere to the last, the rather as, in primitive communities, it is thought equitable to throw all cost and damages upon the party finally adjudged to be in the wrong, while an insolvent offender pays in his person for the crime of abusing the king's tribunals. In one of these documents Amenhotep is described, like Sargon of Agade, by the rather singular title of "king of the city," which is by itself an indication of the importance of municipal institutions in Egypt, while in its actual context it suggests that the king himself, like the hereditary prince, was expected to act as chief magistrate in the city which had the honour of serving as capital of the realm.

Diodorus' description of the care spent in preparing, and the importance attached by the Egyptians to the decisions of the great court is probably as accurate as the rest of his information. According to him, the pleadings on both sides were required to be in writing, the plaintiff in the first instance setting forth the nature of his demand or complaint and the remedy or penalty he claimed; a copy of this was supplied to the defendant, who had to reply in writing on each head, the process being repeated, if necessary, till the judges were satisfied that all the facts had been laid before them, and were prepared to deliver judgment. The courts were open to the public; according to the Abbott papyrus, the acquittal of the workmen accused of violating the royal tombs was pronounced "in the great multitude of the city of Thebes." The place of assembling of the judges is described as near by the two steles of (? Amon), north of the platform of Amon, at the gate of the adoration of the Rechitu. The title "doctor of the gate," which is given to a "legitimate son of the king," in an inscription of the fourth dynasty[2] is rendered "supreme magistrate"

[1] Birch and Chabas, *Plainte contre un Malfaiteur*, p. 202.
[2] *Denkmäler*, ii. 15.

by Brugsch, and we know that the custom of administering justice in the gate prevailed almost or quite as long as the native monarchy. It is borne also by Rekhmara, who is described as doing justice "without paying attention to gifts, approaches, offerings, judging equally the poor and the rich:" so that "whoso made petition to him did not weep"; making peace between contending parties, and never failing in attention to the facts brought before him by complainants.[1]

The official record of a case seems always to have included a statement of the place where, and the judges by whom, it was tried. Thus, in a very interesting civil action, in the reign of Rameses II., the proceedings were held "in the judgment hall of Pharaoh, in the southern city near 'Content with Truth,'" the great gate of Rameses II., opposite the image of the god Amon. The tribunal for the day—a phrase which shows that members of the priestly college sat in rotation—consisted of the first and two other prophets of Amon, a prophet of the temple of Mut, who was himself the defendant; a prophet of the temple of Chons; two priests and choachytes of Amon, and two other priests of the same god; the tenth member of the court is the scribe-accountant of the court of justice of the city. The priests of Amon, it is apparent, formed the great majority of the court, and things must, indeed, have been managed differently in Egypt from all other countries, if a plaintiff, unconnected with the Temple services, had much chance of justice before a court where his opponent was actually among his judges. The case, so far as can be gathered from an imperfect papyrus,[2] seems to have stood as follows:—A scribe of the royal storehouses had given certain lands belonging to himself and his brothers and sisters—*i.e.*, inherited family property, of which he was titular owner on behalf of the rest,—to the Temple of Mut, not as an absolute gift, since he intended to reserve the usufruct to himself, but in the sort of ownership which plays a considerable part in Egyptian law and is practically a reversionary right, distinct from occupancy or use. For some time, however, the donor had omitted to claim the produce of the fields; possibly he had been absent, and they had been cultivated meanwhile by the temple agents; but, at all events, he had afterwards resumed possession, and now called upon the priest of Mut to give up to him "the half of his harvest of corn and fresh vegetables." It is impossible to make out exactly what the scribe had meant to give and what the priest had tried to take; but the conclusion is altogether creditable to the impartiality of the tribunal, for the judgment endorses the scribe's claim on the half harvest, and the priest expresses his acquiescence by the formula: I do (as commanded), yea I.

At the time of the demotic chronicle, translated by M. Revillout,[3] the tribunal of the judges of the priests of Amon or "the judges of Thebes" retained its jurisdiction as under the Ramessids, and priestly courts con-

[1] *Mém. de la Mission Française au Caire, Tombe de Rekhmara*, Ph. Virey, pp. 14, 27.
[2] "Beiträge z. Kenntniss des ag. Gerichtsverfahrens." A. Erman, *Äg. Zeitschrift*, p. 71, 1879.
[3] *Revue Égyptologique*, vol. i. p. 57.

tinued to deal with the affairs of natives in accordance with the ancient usages, not only under the Lagidae but, to some extent, even as late as under the Antonines. It is stated that when Amasis gave to his Greek mercenaries the best lands of the temples of Memphis, Bubastis, and Heliopolis, the priests appealed. But the king, instead of referring the matter, as would have been the regular and customary course, to the supreme tribunal of the thirty judges, had it decided by his privy council in his own interest. And we may take it as a last tribute to the impartiality of the priestly judges that down to this period they were still regarded as competent to administer equal justice, even in causes which concerned their own class.

Another ancient institution, of which we know even less than of the tribunal of the thirty, is that of the "Six great Houses." The thirty judges were members of these, and the chief of the judges was a member of all six.[1] It is possible that they represent something answering to the Six Boards which are an ancient feature in the constitution of China, and, if so, the name probably lingered after the institution was virtually defunct. A great dwelling-place of the Six existed in several towns of the Ancient and the Middle Empire and during the antiquarian revival of the Saite Dynasty. An officer of the Fifth Dynasty is called *her sesteta*, master of the secret of the mysterious words of the great house of the Six.[2] Una in the Sixth Dynasty boasts of having access to the interior of the palace and "the House of the Six." A Queen Mentuhotep, of the Eleventh Dynasty, is described as daughter of the Director of the Six Great Houses.[3] And on a statue of one Eimeri, who lived under the Sebek-hoteps of the Thirteenth Dynasty, he is called "Chief of the Great House of the Six of Newer-ka-ra," *i.e.*, of a Six connected with the worship of a deceased king. Rekhmara, in the Eighteenth Dynasty, also bears among his other titles that of "Chief of the Great Council of the Six."[4] Such a use of the number six is not common, and it would be remarkable if its use in Egypt were connected with the sexagesimal system of Babylonia, and the magistracies of Six Hundred met with where the same influence is suspected.

A manual of the Egyptian hierarchy, probably compiled between the Twenty-first and Twenty-sixth Dynasties, and translated by M. Maspero,[5] gives an instructive enumeration of the various classes of persons in the employ of the State. The list opens, for the sake of completeness, with the heavenly bodies and the various known forms of earth and water. Then follow in order: gods, goddesses, male and female spirits, *i.e.*, the dead, then the reigning king, the queen consort, the queen mother, the royal children, hereditary princes, chief governors, (*zat*) sole friend (of

[1] Erman, *Äg. u. Äg. Leben*, i. 12.

[2] *Dictionnaire Archéologique*, P. Pierret, p. 575. Virey, however, interprets the same title, *her sesteta*, borne by Rekhmara, as "superior of the secret things."—chief of the keepers of hidden (*i.e.* precious) objects, in other words, Treasurer. (*Mém. de la Mission Française au Caire*, vol. i. 48.)

[3] *P.S.B.A.*, xiv. 41. [4] Virey, *l.c.*, p. 12.

[5] *Journal Asiatique*, 8th series, vol. xi. p. 250.

Pharaoh), royal son, eldest son, and the various officers in nearest attendance on the ruler. The order of precedence is curious in several respects, and will be referred to again; but the whole list is worth abridging merely as an indication of the composition of the Egyptian bureaucracy.

There is no special recognition of the staff of the judicial tribunals; the superiors of the scribes of the rolls of the great court, who registered the decrees of the national judges, are mentioned among the officers of finance and various branches of civil administration. In the same table, among the first group of high officers, including apparently only those who were in close personal attendance upon the king, there are some described as "Masters of the Hall of Audience of their lord, l.h.s.[1]," whom M. Maspero conceives to be the nobles charged to keep order in the *kha* of the king, where Pharaoh gave public audience and administered justice. The document is divided into sections, within each of which precedence seems to be counted separately, so that it gives some clue to the arrangement of the internal administration. The first group seems to include the highest personages of the king's court. The second group begins with the nomarch, who certainly stood higher in dignity than the lowest officers of the preceding group, namely, the royal scribes of the storehouse,[2] of everything contained in the royal palaces. The nomarch viewed as an officer of the king was simply a local governor of the highest rank; next to him, and exercising, perhaps, functions of almost equal importance, was the chief of the infantry, who was allowed the services of a lieutenant and also acted as scribe of the warriors. Then came the chancellor of the exchequer, the chief of the double white house of silver and gold,—"double" to hold the treasures of the northern and the southern kingdoms, and white,[3] as official buildings alone are still in Egypt. The messenger or delegate of the king in foreign parts, who comes next, was a financial agent dealing with the spoil or tribute due to the king. Then follow the directors of the royal oxen, slaves, and horses, and the officers of the charioteers and cavalry. Some of these officers certainly seem to belong to the central administration, though the objects under their control would be scattered in the provinces; it may be on the latter account that they appear among the officers of the nomes.

Next to them we find the officers of the nomarch's court: the "chief of the scribes of the table of all the gods"; and the "chief of the prophets of the North and South," that is, of the prophets of such of the national gods as have temples within the district. The latter personage is a sort of local pope, enjoying in miniature the same kind of religious supremacy as the Pharaohs; the title was therefore habitually claimed by the hereditary princes as their own of right, or bestowed on the nomarchs as a grant from the king. The nomarch of Siout was, as such, chief prophet, apart from his own hereditary place in the priesthood; indeed, Erman is of opinion

[1] "Life, health, strength," a formula always used after the name of Pharaoh.

[2] This was the rank of the plaintiff in the case against the priest of Mut, so that the issue was really between a servant of the king and of the temple.

[3] With whitewash.

that the "first great one" of each district, with an independent organization, was, by inheritance, only chief priest and landed proprietor, and depended for the governorship on the king's appointment; and in some cases it is certainly clear that the hereditary title was retained by persons who did not exercise the office normally associated with it. The last person in the list of local officers is the reis or overseer of royal workmen, whether employed on canals, agriculture, or in any other way.

The third section deals exclusively with the officers of taxation and finance, with such inspection of the lands and waters as is necessary for the just assessment of their contributions. If there was an Egyptian Board of Finance, it is of these officers that it would have been composed, for the treasurer, already mentioned, may have had literally nothing to do, save to guard and give out for use the hoards handed over to his keeping by the revenue collectors.

The fourth or sacerdotal section begins with the two so-called roll-bearers, or Cher-heb, who presided respectively over the religious ceremonies of the two kingdoms; they have the rank of royal scribe, the title of "scribes of the double white house, expert in their functions, officiating for the king of Upper and Lower Egypt," and their function was evidently that of chaplain to the king, the real chief of the national religion. After these come the three great high priests of Thebes, Heliopolis, and Memphis. Then, by a somewhat inexplicable transition, follow a number of secular officials, the chief of the double granaries of the south and north; the butchers of the king in the palace; the chief of the store-rooms of the royal palace, containing wines, stuffs, and other miscellaneous commodities; and the chief of the house of cakes and vegetables of the master of two worlds.

Why the purveyors for the palace and court of the king should be introduced in the midst of the priests and scribes of the priesthood is difficult to divine. The temples and princes had granaries and storehouses as well as the king, and M. Maspero thinks that the above-named are temple officers, called after those of the royal palace; but taking the list as a whole, it seems rather as if we had first the great officers of the king; then the great officers of the nomes; then the chief personages of the hierarchy; and lastly, the chief and the inferior domestic servants of the king and of the temples. It is true that upon this view a very humble place is assigned to the regular clergy; but the whole tendency of our enquiries is to show that mere priests, temple servants, holding no offices of state, were not particularly exalted personages.

After the officers above enumerated, the list returns to the religious orders. The "scribe who establishes the endowments of all the gods" is followed by the clergy properly so-called; the prophets, the divine fathers, the priests, and the roll-bearers, *i.e.*, the assistant celebrants or deacons. There were four classes of prophets, and two of *hierogrammats*, the "scribes of the house of the god," who copied, commented, or composed religious texts. After sacristans and watchmen, a number of

inferior attendants are enumerated: the bearers of offerings; those who strew reeds for the processions; the militia or armed guard of temple vassals, and the man who kills the sacrificial victims. These are followed by the cooks, the bakers, or confectioners, and others who prepare different articles of provisions, and who represent the counterpart, in the temple services, to the royal purveyors.

Last of all, the artisans are enumerated, beginning apparently with those employed by the temples—the carpenter, the engraver, the stone-cutter, the sculptor, the blacksmith, the goldsmith, the chaser, the founder, and the like; but these are followed by the royal shoemaker and various other tradesmen, who have nothing to do with the temples. One is tempted to ask: Is it possible that there was at one time a separate section dealing exclusively with artisans? and that—as in China, the corresponding portion of the constitutional classic, known as the rites of Chow, had been suffered to disappear altogether—in Egypt parts had survived and become mixed with the section properly devoted to the hierarchy alone? The question must remain open, unless other texts are found to throw light upon it; but the conjecture is not improbable. The authorship of the regulations concerning the hierarchy and government of Egypt are ascribed to Thoth, the prime minister of Horus; and, in Egypt, prehistoric antiquity is only claimed for institutions which are really as old as the earliest records of the country.

## CHAPTER II.

### *THE ECONOMIC ORDER.*

### § 1. Fertility and Food.

The history of the most ancient empires of the Old World presents us with a choice of mysteries. Sometimes our difficulty is to explain the past greatness of a land which seems now so little fitted to be the seat of empire; and sometimes, again, we are at a loss to account for the departure of political supremacy from countries which still continue the especial favourites of Nature. Egypt, the land of paradox, confronts us with the latter problem. Centuries before the beginning of our era, the immense duration of Egyptian civilization ranked among the marvels of history; and while this marvel has lost none of its strangeness for later ages, with their accumulating examples of contrasted instability, the explanation of the decay and death of this civilization has now to be joined with that of its grandeur and duration.

The conviction is gaining ground among historians that the political decay of nations is always prepared or preceded by profound if secret economic disorganization. If this be so, we have to ask: By what secret did the Egypt of the Pharaohs succeed in escaping the doom of such disorganization for a period trebling the duration of the most stable monarchies of the West?

The qualities of climate and race do not make up history by themselves, but the solution of the problem may be found in the almost unique juxtaposition of a climate, a race, and a form of government—all of them stable in themselves and co-operating, by their most strongly marked characteristics, to perpetuate a *modus vivendi*, which was at once the product and the condition of sustained equilibrium.

Of the climate of Egypt little need be said. The peculiar fitness of the Nile Valley for the development of the highest forms of primitive civilization is admitted and understood. The regularity of the seasons makes forethought easy; the irresistible inundation makes it necessary; and industry had only, as it were, to take its cue from Nature, to be impelled towards the highest triumphs of agricultural art. The earliest dwellers in the "black land" had to live from year to year as ruder tribes live from day to day; and, though the conditions of life were thus rigorously fixed, there was nothing rigorous about the conditions except their fixity. Greek writers, familiar with the most fertile of the Mediterranean shores, contrast the severity of the struggle for existence elsewhere with the ready productiveness of Egypt: "only the Egyptians gather the fruits of

husbandry with little cost or labour."[1] Unlike those few tropical regions where labour is unnecessary, Nature here does nothing without the help of man; but the little labour necessary to secure the subsistence of the people is productive enough to leave a surplus over available for accumulation. To use their own phrase, what "Heaven gave, Earth brought forth, and the Nile bore along," was ample for all the dwellers on its shores. Almost the first thing we know of the ancient Egyptians is their wealth.

Until the secret of the hieroglyphs was unravelled, popular knowledge on the subject of ancient Egypt was practically limited to the incidental revelations of the Old Testament. "*Because there were no graves in Egypt*, hast thou taken us away to die in the wilderness?" is the ironical question put by the malcontent fugitives to Moses. Their regrets were for the days when they "sat by the flesh-pots, and did eat bread to the full;" and they retained tender memories of the "fish which they did eat in Egypt freely, the cucumbers, and the melons, and the leeks, and the onions, and the garlic." Picturesque tradition is seldom at once so full and so veracious. Ancient Egypt was pre-eminently a land of tombs and abundant food, and we can judge how strongly marked these characteristics must have been for a faithful record of them to have been handed down to the latest ages in the sacred books of another people; and especially how abundant the food supply must have been, when even oppressed foreign slaves ate their fill ungrudged. Nor is the value of the Hebrew testimony in any way impaired, if, like most modern historians, we suppose that Jewish writers who describe the age of Rameses acquired their knowledge of Egypt in or after the age of Shishak.

The earliest hieroglyphs tell the same story. The kings of the ancient monarchy built themselves tombs, which bid fair to last as long as the human race; the wealthy nobles of the same period commemorated on the walls of their funeral chambers all the familiar circumstances of their cheerful daily life; and the first impression made by the faithful record, upon modern tourists from the West, is of the immense abundance of the food supply, and the wealth in kind possessed by the great landowners of the third millennium, B.C. Here is an English traveller's version of the plain picture story which one of the earliest and wealthiest of these nobles has bequeathed to us. "Ti was a wealthy man, and his wealth was of the agricultural sort. He owned flocks and herds and vassals in plenty. He kept many kinds of birds and beasts—geese, ducks, pigeons, cranes, oxen, goats, donkeys, antelopes, and gazelles. He was fond of fishing and fowling, and used sometimes to go after crocodiles and hippopotami, which came down as low as Memphis in his time. He was a kind husband, too, and a good father, and loved to share his pleasures with his family. Here we see him sitting in state with his wife and children, while professional singers and dancers performed before them. Yonder they walk out together and look on while the farm servants are at work, and watch the

[1] Diod., i. 3.

coming in of the boats that bring home the produce of Ti's more distant lands. Here the geese are being driven home; the cows are crossing a ford; the oxen are ploughing; the sower is scattering his seed; the reaper plies his sickle; the oxen tread the grain; the corn is stored away in the granary. There are evidently no independent tradespeople in these early days of the world. Ti has his own artificers on his own estate, and all his goods and chattels are home-made. Here the carpenters are fashioning new furniture for the house; the shipwrights are busy on new boats; the potters mould pots; the metal-workers smelt ingots of red gold. It is plain that Ti lived like a king within his own boundaries." [1]

And as Ti lived within his own estates, so the mightiest kings of Upper and Lower Egypt lived amongst their possessions and their great officers, of whom some were hereditary chiefs or princes, claiming kinship with Pharaoh in their own right, and others, like Ti himself, men of humble birth, who were rewarded with offices and estates, and the hand of a well-born bride, for their services to the king. The description has the merit, without any theoretical *arrière pensée*, of drawing attention to what is really the fundamental characteristic of the social and industrial economy of Egypt. Any modern owning such estates and receiving such produce from them would be a wealthy man; just such wealth made the importance of the landed aristocracy of England and of Rome; the concentration of just such wealth in few and selfish hands caused the ruin of Italy, as the bond of common citizenship was loosed between the few rich and the many poor. Egypt began with *latifundia*, and flourished for three thousand years; and if hints for securing such monumental fixity of tenure could be brought back thence by the landowners of to-day, pilgrims would not be wanting to the land of the Sphinx.

A strict regard for political economy will, however, forbid this natural use of the term wealth to describe the abundant possessions of the ancient Ti. Economically speaking, Ti's flocks and herds, fish and fruit, were not wealth, for they had no exchangeable value. He had no wish to sell them, for the best of reasons: there was no one to buy them from him, and no one to sell to him anything that he wished for, and had not got, in exchange. The only use of this accumulation of food *in esse* and *in posse* was to be eaten, enjoyed, distributed, and suitably dedicated to the gods and the spirits of the deceased. When corn is scarce or costly, there is some temptation to muzzle the ox that treads it; but the increase of Ti's fields and flocks was too abundant for him to grudge the troops of servants, who gathered in his harvests, their daily seat by his well-filled flesh-pots. He did not buy their services, but he directed and controlled their labour and he gave them food: by the bounty of Nature he escaped the temptation not to give them food enough, and while the mass of the population have enough to eat, and free access to the rudimentary pleasures of existence, the seeds of revolution ripen slowly or not at all.

The economy of ancient Egypt may be summed up in two words: forced

[1] *A Thousand Miles up the Nile*, by Amelia Edwards, pp. 89, 90.

labour and subsistence wages. The word which Egyptologists translate "subject" means literally "eater of rations." Both property and industry were more developed in Egypt than in any surviving community where the political superior, as such, is the chief or sole employer of labour. In the most fertile of the South Sea Islands the relation between the common people and the chiefs is of this kind, the latter being entitled to call upon their followers to build a house or a canoe, though they are also expected to feed those who work for them.[1] If they receive food one day as tribute, they distribute it the next as giver of a feast. The Chinese classics describe the life of the black-haired people at an earlier stage than that reached in Egypt at the time of the oldest monuments, and at this earlier stage the parallel to the feasts and working parties of the Fijians is as close as possible. Chinese imperialism developed so much on the same lines as Egyptian, that we can hardly be wrong in supposing Egyptian industry to have passed through the same earlier stages, and the continued use of the term "ration eaters" is a valuable witness to the persistence of the archaic compact, by which the great man gives food and the little people labour. In China the increase of population and of the area governed made the relation between rulers and subjects less direct, so that, after the feudal period, the bulk of the people employed themselves, and only paid taxes in kind, while the civil and military officials alone ate the emperor's rations; but the theory of the ruler's responsibility for the food supply of the people survives there still; and the political system of Egypt never became sufficiently complicated to endanger its continuance.

When the king or the rich noble had provided for himself all the simple machinery for enjoying life with which he was acquainted, he did not amuse himself by complicating the machinery; having provided cheerfully for his life, he amused himself by providing cheerfully for the longer ages when he would no longer live, and what we may call his unexchangeable surplus of real property was devoted to this amusement; all the labour that was not needed for the production of food was employed in the erection of monuments or graves, and all the food that was not needed for the producers of food for the living was given to the builders of "resting places" for the dead.

The Pyramids, it has been said with truth, were built for want of any other opening for the investment of capital.[2] It was in the power of a tyrannical king to impoverish his subjects by withdrawing too many labourers from agriculture for employment upon public works, and this abuse no doubt prevailed from time to time. But use and wont counted for much in Egypt, and the standard of comfort established amongst the labourers on such estates as Ti's could not be permanently lowered by a single prince. Full granaries to feed the workmen were the first condition of great works, and in Egypt it must have been easier to replenish the granaries by releasing the workmen than to retain them at their task upon

[1] H. S. Cooper, *Coral Lands*, p. 162 ff.
[2] F. Barham Zincke, *Egypt of the Pharaohs and of the Khedive*, p. 61.

starvation wages. Even foreign labourers, toiling beneath the overseer's stick, were not grudged their food, though their tasks may have been heavier than merciful rulers would have imposed on native subjects.

This is the permanent feature common to the monarchy of the Sixth, the Twelfth, and the Nineteenth Dynasties alike. The people were always in a sufficiently prosperous state to support an expensive Government—one positively so by its magnificence, or negatively so from its weakness and consequent exposure to attacks from without. But the Government, on the one hand, never sank so low as to reduce the natural wealth of the country beyond that point of sufficiency; on the other, its most lavish expenditure was not of a kind to drain unproductively all the sources of this wealth. Before any monuments could be erected capable of surviving to the present day, before the vast ambition to create such monuments could occur even to a despot's mind, Egypt must have accumulated surplus stores of wealth and labour power, more than equalling those treasures of the New World, which were the wonder of its Spanish conquerors.

Famine, an ever-present danger in Mexico, as in China and India, was almost unknown in Egypt. The inundation seldom fails for two years in succession, and any ordinary year left a surplus sufficient to make good the deficiency of two or three bad harvests. The chief burden on the industrial population was the State dues, and these were levied on land exactly in proportion to its ability to defray them. Land regularly inundated by the Nile was most heavily taxed, then land capable of artificial irrigation, while land not irrigated at all was free or nearly so.[1] It would follow from this that a low Nile meant low taxation,[2] and to the cultivator, so far as the Government was concerned, at least immunity from debt; while low taxation, to the Government itself meant nothing more than the arrest of accumulation. And as the ultimate destiny of the accumulated grain was always the maintenance of labourers, terms of scarcity only involved the arrest of their employment upon monuments and public works rather than agriculture. Agriculture had to provide the surplus out of which unproductive labour was maintained, and the ruler had obviously no inducement to cut off the source of his own wealth by withdrawing too large a proportion of the population at once from the labours which maintained the rest.

The agricultural population habitually produced by their labour more food than they consumed. It was the rule for them to produce enough for their own maintenance, and something to spare for the privileged few; this surplus was withdrawn from the producers year by year, so that they themselves had no opportunities of accumulating wealth, and it was spent, so far as its titular owners were concerned, on unproductive works. Considering the industrial organization of the country, it could not, however, have been laid out more to the advantage of the labourers. The hoards of the wealthy served virtually as grain banks, upon which a proportion of

[1] It was one of the most oppressive of Mehemet Ali's measures, to enforce the cultivation of all land, good or bad, in order to establish a claim for taxation upon all.

[2] Strabo expressly says that a high Nile means large revenue from taxes (xvii. 1. 48).

the cultivators could draw for wages when their services were not required to keep up the food supply for current necessities.

Egyptian corn was not sent out of the country to buy foreign luxuries or articles of ostentation for which the demand could be indefinitely increased, so as to swallow up all the accumulations of the rich; neither was the demand for labourers limited by the power of the capitalist to drive a remunerative trade in the produce of their work. Practically the whole of the hoarded food was spent in maintaining the "eaters of rations," and as in no case did they expect or receive more than maintenance, they submitted without any sense of injury to the régime which caused the spare labour of the community (*i.e.* their own) to be spent in erecting royal monuments, private tombs, temples of the gods, and in maintaining officers, priests, and sacred animals, instead of in raising the general standard of comfort or luxury.

On the other hand, as monuments could only be built if there were workers to hew and drag the stones, and food to feed them withal, if the peasant's share of the food supply fell short of his needs, it was taken for granted that those to whom his labour was habitually useful should keep him alive, irrespective of any present demand for his services; and in practice, no doubt, the masses were fed in bad years by free distribution of grain, the equivalent of which in labour must have been given, as a rule, before or after, *not* during the exceptional year of scarcity. In communities where goods change hands nominally by way of gift instead of mercantile exchange, there is not necessarily more real liberality on either side, but the terminology of thought makes it seem more natural, than under the modern industrial system, for the real equivalents to be exchanged at different times, without interest accruing from the delay. The idea of buying labour as a commodity had not yet arisen, and there was therefore still less room for the thought of it as a commodity that must be paid for on delivery or not at all. The relations between all sections of the community were conceived as continuous, or life-long, and their character was not altered by temporary changes in the circumstances of one or another.

This is not a matter of inference or conjecture; more than one of the time-books kept by Egyptian foremen have been happily preserved to us, in which we can compare the diligence of different workmen, strike an average as to the regularity of the workers, judge as to the character of the excuses accepted from absentees, and, above all things, discover that though our ration-eaters receive their allowance monthly or fortnightly, their wages are virtually a fixed sum, and are paid in full,[1] whether they have been absent by their own fault, misfortune, or choice, or unemployed owing to the overseer having no tasks ready for them. In one case the workmen have nothing to do for two of the winter months, and during the next two only work about half-time; in another, where the absences recorded seem voluntary or accidental, illness, a religious sacrifice, or a

[1] Erman, p. 182. *Deux papyrus hiératiques du musée de Turin.* Lieblein and Chabas. Cf. also *Zeitschrift fur. Æg. Spr. u. Alth.*, 1893, p. 64.

ceremonial impurity are the causes most commonly alleged. The time lost by individuals in the course of a year varies from one or two days to two or three weeks, but in neither case does it occur to the Egyptian employer or his representative to economize in his wages bill by expecting the workmen to live at their own expense during the days or months when from choice or necessity, on either side, there is no work to be done.

If we could imagine an Egyptian scribe set to translate any European text-book of economics, we should probably find the capitalist described in his version not as an "employer of labour" or "giver of work," but as a "giver of food," or rations; and the difference in the point of view so indicated is far from being only verbal. On the modern theory the free and irresponsible capitalist who wishes, for reasons of his own, to have certain work done, puts the doing up to auction (an auction of the Dutch sort), and such workmen as bid successfully for the job may get a living by it if they can; while those who fail to get a living so, or in any other way, are invited to learn from that experience, that their parents did wrong in believing, with the ancient sages of Egypt, that a "wise man founds a house and takes a wife, who loves him, that he may have a son born like himself."

The first Egyptian capitalists were chiefs of whom the greatest became king of the whole land. Later on, in a sense, the king is the only capitalist; his favourites do not accumulate for themselves, either by usury, commerce, or the employment of labour in manufactures or agriculture; they only receive by gift a share in his accumulations, and as these consist partly in the surplus produce, animal and vegetable, which maintains the labouring crowds, and partly in the raw material for monumental works, such a delegation of the Pharaoh's power to spend had no tendency to impoverish the people. The earliest inscriptions sometimes enumerate as many as twenty or thirty separate estates in different provinces as belonging to a single lord,[1] and as each of them is designated by a name, usually compounded of that of the owner and of a king,[2] we may conclude that they were originally bestowed as royal grants. But the despotism of the Pharaoh was paternal. The unwritten law of the land recognised it as a plain duty of the royal father to feed his people in the rare event of a time of scarcity, and the position of the peasant occupiers was in no way changed for the worse, when one of the royal estates was made over to an officer or a governor.

In the Song of the Harper, attributed to the Eighteenth Dynasty, the duty of the rich is traced out for them on this supposition: "Give bread to him whose field is barren, thy name will be glorious in posterity for evermore." Even the phrases used to describe the uncertainty of life show the way in which life was spent while it lasted. "*Those who have magazines full of bread to spend*, even they shall encounter the hour of a

[1] *Revue Archéologique*, Sept. 1864.
[2] Lepsius, *Denkmaler*, ii. 12, 47, etc.

last end,"[1] and in the story of Saneha, attributed to the Twelfth Dynasty, the hero's prosperity is described by saying that, in the land which he entered perishing with hunger, he is now "a giver of bread"[2] to others. Famine was rare, and when it occurred, it was mitigated by the generosity of the righteous rich, not aggravated by speculative greed.

The stability of Egyptian society can only be explained by two facts taken together: the natural fertility of the country, which made it possible for the people to enjoy a tolerable existence while indulging the magnificent ambitions of their lords; and the fixed minimum of humanity in the rulers, which made them rest content with the large tribute they could exact without encroaching upon the fixed minimum of well-being which satisfied their subjects. The permanent submission to a system of forced labour was perhaps an affair of race; and it was an affair of climate that rulers powerful and despotic enough to command the labour of a nation should have been able to indulge their own ambition without trenching upon this first charge, as we may call it, upon the natural revenue for the subsistence of the labourers. In later days the population and the cultivated area in Egypt went on dwindling[3] under the increasing disproportion between the Government exactions and the available surplus of national wealth; and by comparison with the results of the enterprise of Ismail Pasha, the temperance of ancient rulers seems a masterpiece of prudent state-craft.

The interaction of physical and moral influences is curiously illustrated by the most permanent facts of Egyptian experience. All classical writers note with admiration the Egyptian respect for life, that penal executions were rare, infanticide unknown, the people correspondingly docile, and family affection strong. Travellers in Egypt, from Diodorus to Lane, observe that children can be reared to maturity at the total cost of a few shillings; hence the temptation to infanticide does not exist, and parental affection develops the more easily for not being in conflict with any pressing material interests. According to Diodorus, children could be reared for twenty drachms, and labourers could be nourished at a correspondingly low rate.

But as each labourer in the ordinary course of things produced much more than it was customary for him to consume, the customary possessor of the surplus produce, like the average parent, contracted the habit of respecting the labourer's right to consume as much as he wanted, and only appropriated for himself what could be spared without real inconvenience or injury. It was at once the merit and the good fortune of the Pharaohs to have started with so feasible a *contrat social*; and in estimating their merits, it must be remembered that cheap food and a large docile population do not of themselves necessarily lead to the same results—witness the

[1] *Records of the Past*, vi. 127. [2] *Ib.* New series, ii. 25.

[3] The map of the French Expedition shows, about Luxor, scarcely half of the natural valley under cultivation. For the recent sufferings of the Egyptian fellahin, see *Egypt after the War*, by Villiers Stuart, M.P., 1883, *passim*.

prevalence of female infanticide in China, and the abject poverty alike of modern Egypt and of whole provinces in British India.

Like these countries, ancient Egypt was a land of cheap food and low wages, but the secret of its centennial prosperity is that it was a land of cheap labour indeed, but of still cheaper food, and therefore *not* a land of the very lowest real wages. This result, obtained in ancient Egypt without deliberate effort or design, has been constantly aimed at, with varying success, by the Government of China, and it is evidently a *sine quâ non* of prosperity in States of this type. For wages to continue high, relatively to the price of food, in a fertile agricultural country, it is not necessary for the supply of labourers to fall short of the yearly demand; it is sufficient if the yearly supply of food is in excess of that demand; and this it will be, if the natural results of industry, applied to a fertile soil, are not frustrated by excessive exportation. Under the Pharaohs there was "corn in Egypt" to spare for pastoral tribes that came to seek it in their distress, or for an allied nation suffering from a year of scarcity. The sufferings of the native cultivators began when the country was drained regularly every year to load the corn ships for Rome, and there ceased to be a standing surplus in the hands of a Government constitutionally bound to preserve the people from want.

## § 2. Ancient and Modern Abuses.

In complete harmony with the state of things reflected in the monuments, we find that the whole duty of man as embodied for the Egyptians, in the negative Confession of the Book of the Dead, appears to consist in the duty of officials to discharge their functions without oppression. We hear nothing about the duties of the subject populace; the common folk were kindly used but not highly esteemed by their lords, and the monuments reveal nothing concerning their deeds or their deserts. The hierarchy of scribes and officials tell their own story uncontrolled. They speak to us out of the abundance of their long since pulseless hearts; they lay bare their thoughts to us with the simplicity of those who have never known, much less halted between, two opinions; and all their self-laudations are directed to show how well they have discharged the duties of a ruler.

One of the first professions which the soul has to make after death, before emerging justified[1] from the "Hall of Two Truths," is to the same effect: "I have not done any wicked thing, I have not made the labouring man do more than his task daily. . . . I have not calumniated the slave to his master. . . . I have not changed the measures of the country. . . . I have not falsified measures, I have not cheated in the weight of the balance, I have not withheld milk from the mouths of sucklings. I have not stopped running waters, nor cut them off from their passage in due season. . . . Oh, breath of flame, coming out of Ptah-

[1] The term thus translated in most early English versions of funeral texts is rendered by French Egyptologists *Véridique*, and certainly the idea is, that only the veracious soul can escape condemnation. (*Book of the Dead*, ch. 125.)

ka! I have not spared food! Oh, Lord of Truth, coming out of the region of Truth, I have not robbed the stream, I have not injured the gods or calumniated the slave to his master."

The collocation in this last repeated protest may be only accidental, or it may indicate a delicacy of feeling, which regards it as a kind of blasphemy to slander the defenceless. The copious recognition of the heinousness of evil-speaking is significant of two things,—the importance attached to the spoken as well as the written word, and the general veracity of the community, which could allow such words to retain all the weight and importance of a fact. As will be seen hereafter, evidence given on oath was accepted, though unsupported, and in favour of the claim of the person swearing; and of course the injury inflicted by calumnies is much more serious in a community where it is customary to believe all that people say, than in degenerate days when it has become a proverb not to do so. Several of the Chinese odes are directed against the slanderers, who "buzz about like blue-flies," especially at court, and in most early states of civilization the recognition of satires or lampoons as a cause of material injury is due to the same simplicity. In Egypt, where it was a counsel of perfection not to speak evil, even with truth, to do so falsely was still so rare as to be counted among mortal sins.

Nearly every clause in the Confession would supply matter for interesting commentary, and furnish itself the most eloquent condemnation of the opposite conduct of later rulers, whom even a mortal tribunal refuses to absolve.[1] The seeds of all the abuses under which modern Egypt has groaned, existed, we see, in ancient Egypt also. The difference between the welfare and the misery of the country turns only on a question of degree; the abuses which under the Pharaohs were kept in check by the national conscience, and the enlightened self-interest of the Crown, have since reigned rampant, to the degradation of Crown and people alike.

Those who composed and rehearsed the famous Ritual of the Dead must at least be credited with a clear vision of the consequences that would befal a country whose rulers could not utter the above confession. It would have fared ill with Mehemet Ali, at the clause "I have not changed the measures of the country," before the dread tribunal, where Horus weighs the heart of the deceased against an ostrich feather, and the god with the head of an ibis, the scribe of Truth, writes down the result. There is something almost grotesque in Burckhardt's account[2] of the gradual dwindling, like the *peau de chagrin*, of the "Kassaba," or rod used in measuring land, so that in 1817 the length was only three-quarters of what it had been twelve years before. Its lawful length was twenty-four

[1] Cf. Lane's description of an impressive incident at the funeral of a tyrannical Bey; when the Sheikh said to the assembled congregation: "Give your testimony concerning him," no one ventured to utter the conventional response: "He was of the righteous," and the Sheikh in confusion could only mutter: "May God have mercy on him," while the silence passed unanswerable judgment. (*Manners and Customs of the Modern Egyptians*, 5th ed. p. 157.)

[2] *Arabic Proverbs*, 471.

fists, or the space covered by a hand grasping the rod, from thumb to little finger; but unfortunately the size of fists may be conceived to vary, and every two or three years an inch was taken off the length of the official rod; and as taxation continued to be assessed upon the feddan, containing three hundred kassabas, every inch taken off the latter meant £20,000 or £30,000 added to the annual imposts. A few instances of this sort of iniquity explain the tendency of all ancient races to reckon the observance of "a just weight and a just balance" among the first of religious duties. A classical formula for the king's praise is to the effect, "Thy tongue is a balance; thy lips are a standard measure, according to the just scales of the God Thoth." And we find in the list of spoil taken by Thothmes III. mention made of ell-measures, with heads of ivory, ebony, and cedar, inlaid with gold, as if such standards were habitually reckoned among the ruler's more valuable possessions, or perhaps bestowed upon his favourites at once as the tools and the insignia of office.

The English commissioners sent by the Egyptian Government for the relief of famine in Upper Egypt in 1878, again comment unconsciously upon the clause, "I have not withheld milk from the mouths of sucklings." A correspondent of the *Times*, after describing the distribution of bread among adults, and the recovery of starving children upon a small additional allowance of milk, goes on to say: "It is melancholy to think that no milk could be given at other places where the need was more pressing . . . but after consulting the highest native officials of the province, the commissioners came to the conclusion, and I dare not say they were wrong, that to order milk where there was no European to see it actually administered, would have been simply to put money in the pockets of the Sheik-el-Beled."[1] The famine in question was a money, not a grain famine; bread was never dear, but the whole of the insufficient crop of the peasants had been swept away for taxes, and they had literally nothing left, either to live upon or to sell for food. The ex-Khedive indeed may fairly compete with Mehemet Ali for the palm of ingenuity awarded by Ampère to the latter for his mastery of the insoluble problem of taxing wealth that does not exist: "*Il a supprimé la propriété et conservé l'impôt.*"[2] It is of such that the charitable hieroglyphics still speak: "May he not exist and may his son not sit in his seat."

The protestation, "I have not stopped running waters . . . I have not robbed the streams," of course refers to the just control of the irrigation works.[3] The existence of these is even older than the monarchy, and the great dyke attributed to Menes could only have been attempted after considerable skill and experience had been acquired. Officers in charge of the waters or canals are mentioned in several monuments, and in a formal enumeration of all kinds and degrees of created things, the vocabu-

[1] *A Ride in Egypt.* W. J. Loftie. App., p 381.
[2] *Voyage en Egypt et en Nubie.* J. J. Ampère, p. 251, 1868.
[3] *Mémoire sur l'économie politique, l'administration et la législation de l'Egypte au temps des Lagides*, by Félix Robiou, p. 10, 1875.

lary applicable to dry land is scanty in comparison to that which deals with the waters. In addition to the hieroglyph for "nome," the idea of "ways," "moving on," "past time," and the like, are indicated by another sign which evidently represented a watercourse, bordered with trees, and from the senses given it, one large enough to be used for navigation.[1] The formation of Lake Moeris, in the Twelfth Dynasty, has been justly described as the greatest work ever undertaken by a Government solely for the public benefit. Throughout the Pharaonic period, this all-important branch of the administration continued to receive the necessary care, and it is probable that the papyrus just referred to, though belonging to the post-Ramesid period, preserves the terms of classification used at far earlier dates.

The Ptolemies in the main kept up the old national forms of administration, and there was no general decay of the irrigation works under them, though it is possible that the system of farming the taxes, which they introduced, may have paved the way for corruption in this part of the administration. A very expensive system of State control and supervision had to be kept up in order to secure the watering of the whole cultivated tract, and the Romans, whose only interest in Egypt was as a source of revenue, began the ruin of its wealth by economising in the machinery of supervision.

The necessary labour for cleansing the canals and repairing the dykes had always been provided by the cultivators of a district; but then, as now, a strong and honest central authority was needed to see, first, that the labour of the peasants was really expended upon the public works, by which they themselves were to benefit, and, secondly, that adjacent villages did not defraud each other, and try to secure water enough for their immediate necessities, without keeping up the works required to procure the same abundance permanently for all their neighbours as well. Paternal centralization was necessary to protect the national prosperity against the disintegrating tendencies of what may be called parochial individualism; and it is remarkable that the needful checks should have been so effectively supplied, in the absence of any serious political organization; while political States still fail to establish any central social influence capable of controlling the disintegrating tendencies of personal individualism, a force which must be by nature the feebler of the two.

The description of all the things that Ptah has created, and that Thoth has registered beneath the roof of Ra, which we owe to the scribe Amenophis,[2] is worth quoting at length, as it is evidently rather a legal than a literary or philosophical catalogue, the object being to enumerate all those varieties of land and water which require different regulations concerning their occupation, use, or culture. After the heavenly bodies and such atmospheric phenomena as thunder, dawn, the sun's ray, etc., the list proceeds as follows: river, brook, spring, torrent, ocean, inundation, arm

[1] Maspero, *Histoire ancienne des peuples de l'Orient* (German tr.), p. 588.

[2] In the *Manual of Hieratic Precedence*, translated by M. Maspero, referred to above, p. 61.

of the Nile, sea, waves, lake, piece of water, well, cistern, reservoir; high water (*i.e.*, water stationary at the height of the inundation), pond. Upper canton, lower canton, low-lying lands or shoals, backwaters, trenches, ditches, broads, swamps, border-lands, beaches, highways, dykes, islands, plains, high lands, hillocks, clays, season-crops, woods, sands, mud, uncultivated land, cultivated land. In the title, a short description of the earth and all that it contains reduces all these classes to four—the springing waters, the mountains, the inundation, and the sea. Unfortunately, we have no work on the economy of ancient Egypt corresponding to the Chow-Li, which gives so full an account of the theory of Chinese administration; and the sense of the hieroglyphs is not so certain that we can judge of the technical significance of all the various terms employed. But we get a general impression of a system of culture and control resembling that of ancient China, in which cultivated land is a thing apart; and all other land or water, hills, rivers, wastes, with their several produce, are regarded as public property, and their enjoyment or appropriation by individuals subjected to regulation by the central authority.

### § 3. Agriculture and Cattle Farming.

The valley of the Nile is naturally divided into lands adjoining the river, plains watered by canals leading directly from it, and the extremities of the cultivated land which the inundation may sometimes fail to reach, and sometimes reach so late that there is not time to sow fresh crops after the retreat of the waters. As in China, the largest canals, or canalized rivers, would serve as a boundary at once to enclose and to irrigate the separate provinces; smaller channels would supply the villages, and within the village territory each plot would have its own small trench or ditches.

The householders, to whom the maxims of the scribe Ani are addressed, are neither great men nor poverty-stricken peasants; it is assumed that their possessions will include an irrigated enclosure, arable land surrounded by hedges, sycamores planted in a circle, well ordered round the dwelling-place, and flowers of all sorts by the handful. Having this, a man should rest content, without seeking to enlarge his borders. Even the different sorts of labourers, whose woes are described in the *Praises of Learning*, have a home and land of the same type on a small scale, for he is to be pitied, because it is not till nightfall that he is able to return to his garden and orchard,—the enclosure or avenue of trees answering to the Chinese mulberry grove, inside of which the family enjoyed the strictest privacy.

Most probably the different words used for water channels indicate their size, or that of the enclosure they irrigate, which, in the latter case, would be of very small extent; and if so, it may be possible to extort from the hieroglyphs themselves some hints as to their legal significance. We know that the measurement of lands, the making of canals, and the inspection of dams were carefully attended to by Government officials from the earliest times, and the importance of this branch of the administration is betrayed by the phrases in common use: "The scribes, the land surveyors, and the

people," is one classification of those—otherwise all mankind—to whom Amon Ra, the king of the gods, "shows the way."[1]

An important inscription[2] of the Twelfth Dynasty shows the king himself superintending the restoration of the surveyor's records: "Taking possession of one town after another, he informed himself of one town, and its boundaries to the next town, placing their frontier columns. Taking cognizance of their waters according to the written documents, and reckoning it according to their value conformably to the greatness of his love of justice. As to Khnumhotep himself, the king distributed to him the great river over his territory, its waters, its fields, its trees; and his uncultivated land extended to the country of the west." The same inscription proceeds, in almost similar terms, to speak of the deeds of the later king, Usurtasen II., who "restored what he found ruined; taking possession of one town after another, he got fixed his boundary, so that he might settle the taxation according to its income . . . he assigned the surface of the uncultivated fields, containing as many as fifteen boundary stones, and he assigned the surface of its cultivable lands."

The discovery of boundary stones (denoting private property) upon uncultivated land marks the close of one of those periods of disturbance during which, as the "Instructions of Amenemhat" phrase it, "the land was as a bull which had lost all memory of the past," and the once fruitful plots lay fallow as the cultivators were driven far from home or slain.

Land which, for any reason, remained uncultivated, after the waters withdrew produced a rich pasture much used for grazing by the owners of live-stock, the value of which (according to Diodorus) was supposed to be doubled by this regimen. There is an allusion to this curious kind of temporary "common" in an hieratic papyrus translated by Mr. Goodwin. "Twenty unploughed fields, producing fodder for the horses of the king," which had been first granted to the steward of the house of Rameses II., and then apparently allotted to somebody else, were to be restored by the lessees to the steward, namely, besides "the royal fields, corn lands and crops . . . *the uncultivated places and all places of pleasure which ye pay rent for.*"[3]

It appears thus that Herodotus might have added one more instance to his list of the cases in which the Egyptians reverse the usages of every other nation, since they let on lease pastures and uncultivated land such as is elsewhere enjoyed in common without payment of rent, while arable land, which elsewhere commands the highest rent, is not let at all, but only subject to the general land tax. The reason for the peculiarity is however plain, and just enough: such pasture was the only land that gave produce without the expenditure of labour, and the Crown alone was held to be entitled to any such "unearned increment" of value. It may also have been felt that the best method of encouraging agriculture and preventing

[1] Brugsch, *History of Egypt*, II. p. 194.

[2] *Ib.* i. p. 140, Cf. Maspero, *Recueil de Travaux*, i. p. 161 ff.; and *Beni Hasan*, pt. i., P. E. Newberry, p. 57 ff., 1893. [3] *Hieratic Papyri*, p. 252. *Cambridge Essays*, 1858.

suitable land from falling out of cultivation would be to insist on the theoretical right by which all fallows reverted to the Crown. If all the Egyptian *latifundia* had been turned into grazing lands, the whole economy of the country would have been subverted, and half the population left without either employment or food; and as stock raising was a popular industry from early times, the temptation to such a course may have been sufficiently apparent to be guarded against.

In the ancient *Tale of Two Brothers* the younger one understands the speech of the cattle, who tell him where the best grasses grow, and, as with Jacob in the service of Laban, they "became exceedingly beautiful and multiplied exceedingly" under his care; and we may interpret this bit of one of the oldest written folk tales in the world, by the light of Diodorus' remarks on the skill of the Egyptian herdsmen, their knowledge of healing plants, and their power of increasing the propagation of the animals. To this day it is said to require special skill and management to effect the two lambing seasons in a year; and it is obvious that an industry which offered such profitable rewards must have been a formidable rival to the humble but indispensable labours of the plough and the shadoof.

But to return to the distribution of the waters: as the river rises, certain canals at right angles to it are filled; these are blocked by dykes at their further ends, so that the water goes on rising in the canals to whatever height the walls allow, and often to a level exceeding that of the natural inundation. When the water in the canals has risen to a prescribed height, the dykes are broken down so as to admit the water into new channels, which are filled in the same way, and the process is repeated till the most elevated and distant parts of the irrigable land have received their share of the fertilizing flood: the embankments of the dykes serve as causeways for intercourse during the inundation. If the canals are not duly cleaned, the gain from a high Nile is lost, as the deposit of mud is greatest in the tanks where the water is arrested, and if these are allowed to silt up gradually from the bottom, the shallower canal carries less water to the fields, even when filled to the same apparent height.[1]

A stele attributed to the Twelfth Dynasty gives a list of the personages who held at Abydos the office of clerk of the canals, charged with the distribution of the inundation; and the god himself says of Lower Egypt: "I flood the arable land every year, and I let the waters of the inundation flow away by the canals."[2] When the canals are all in order and the inundation rises to the normal height, the possibility of mal-administration lies exactly in "keeping back the waters." If the main channel is kept dammed up till the arm which supplies a particular town or village has received more than its share, those further on suffer as from an insufficient inundation, and the central authority must not only be above all suspicion of corruption itself, it must also have strength enough to prevent each village from defrauding its neighbours, and to compose the immemorial

[1] See *Description de l'Egypte*, tom. 17, and Appendix B, "Egyptian Irrigation."
[2] Brugsch, *Hieroglyphisch-demotisches Worterbuch*, vol. vi., p. 476.

feuds which, according to a modern traveller, arise out of such disputes. Special probity is required for dealings in which everything depends on the moment of performance of an act which leaves no evidence of its exact date behind, and the unsanctioned customary morality of the ancient Egyptians was just the quality adapted to give irrigation works their best chance of usefulness.

Attempts have been made to account for the decline of Egypt by merely physical causes, and it is true that both the average and the greatest height reached by the inundation is less by some twenty feet than it was under the Middle Monarchy. No certain explanation can be given of the fact, but it is supposed that the breaking through of a natural rock dam in the neighbourhood of Silsilis may have interfered with the natural storage of the waters in what used to be their first reservoir. But the decline in the cultivated area goes far beyond what this falling off in the inundation could account for.

The population of ancient Egypt was estimated at 7,000,000, while the average breadth of the Nile Valley between Cairo and Edfou is about seven miles, about half of which was shown on the map of the French expedition as uncultivated. Lane estimated the population in his day at two and a half millions, and the actual produce of the soil as sufficient for the maintenance of 4,000,000; while if all the land capable of cultivation were sown, and no food exported, twice that number might be supported[1] in good years.

The encroachment of sand from the desert is no new danger, though under the Pharaohs the towns were often built, to economize the arable land, at the very edge of the desert. In Nubia walls were sometimes built to keep out the sand, and trees were planted with the same object; and where these proved insufficient, no doubt human labour was freely employed against the insidious, inanimate foe. But the gradual elevation of the surface of the soil by the annual deposit from the inundation ought to make the struggle against such encroachments increasingly easy. The estimated rise of four inches to a century would give ten feet in three thousand years, and there is no corresponding tendency in favour of the desert, so that the falling off both in population and cultivated area must be traced to social and political rather than geological changes.

The same sources which show us the nature of the possessions of great men in Egypt, and their own theory as to the responsibilities of wealth, also disclose the manner in which their estates were administered. The tomb already described shows us one official recording the value of the stock, and an overseer suspected of embezzlement is dragged off to give an account of his stewardship. The processes of agriculture, cattle-breeding, war, amusements and manufactures are even more fully illustrated by the pictures in the rock tombs at Beni Hassan than in the earlier ones at Saqqarah; but the economic order is to all appearances the same as under the ancient monarchy. Everything is written down and numbered, the

[1] The census of 1882 gave a population of 6,807,000.

game killed, the measures of grain, the "hands" and tribute of the enemy, the servants or workmen employed on the estate, and even the measures of corn or other rations allotted to the service of the gods. In one very ancient tomb the scribes are represented writing with a pen behind each ear,[1] and we certainly have no difficulty in believing the justice of Ani's remark: "Whatsoever work the scribe is set to do, he will still be talking of his writings."

The genius of the people seems to have been narrative, enumerative, or, so to speak, arithmetical. They are content with a simple register or record which was not, so far as we can see, used as a base for further calculations or combinations. Legal deeds and even contracts are unilateral in form; the vendor says: "I have given so and so to such an one; I have received such a price, my heart is satisfied;" and the negotiation is therewith concluded; the purchaser does not require a receipt, only a promise that the vendor will secure him in peaceable possession against all heirs or representatives of his own. So the steward reports what goods he has in hand, but the employers seem to have rested content with a sort of stock-taking; they made no demands for a balance sheet. The Egyptians found satisfaction in observing facts and sequences, not proportions or relations.

Hence the limits, but also the fascinating faithfulness of the monumental record. To any age but the present, it would have been a disappointment to find that the sacred characters, when at last deciphered, proved to be often only an echo of the common chat of the harvest field and the workshop, or a childlike key to the story of the picture. What we might have taken for a carpenter's bench represents, we learn, "the polishers polishing the ebony bed for the eternal house;" when captives of war are represented at work upon a temple, the overseer's warning voice reaches us: "The stick is in my hands, be not idle;" after a good inundation we hear the people in the fields tell one another "the Nile was high," or that it is "a fine year, free from want, abounding in herbs," in which "the calves will thrive well."[2]

The legends too remind us of the curious displacement of the seasons which makes the Egyptian spring-time fall, so to speak, in autumn. The great time for the husbandman is after the inundation, when "the fields have come out," and work can go on diligently because the great heats of summer are past. "A fine day, it is cool and the oxen draw well, the sky is as we wish it," observe the contented labourers, as they pause for a moment to taste "the sweet breath of the North wind," which ranks, along with the light of day, as the chief joy of existence to the life-loving Egyptians. The anxious time comes later on, when the four harvest months (March to July) are drawing to a close, and there is only time enough to thrash and winnow the corn and carry it safely to the granaries. Then the harvest men grumble over the labours which the year's good fortune has brought them. "Shall we never rest from this carrying of corn and white spelt? The granaries are already so full that the corn comes

[1] Lepsius, *Denkmaler*, ii. 8, c. [2] Erman, ii. p. 567.

out at the top, and the ships are so heavily laden with corn that they are ready to burst, and yet we are urged to toil faster."[1] Such complaints of the too fruitful season are evidently meant like the auctioneer's apology for the litter of roses and the noise of nightingales; the labourer's groans are not intended to be taken seriously, for all the world knew that a good harvest meant plenty for every one, a year in which even the poor man can afford to despise the lotus bean.[2]

Harvesting was recognised as thirsty work, and jugs are represented as passing from hand to hand; while in another picture a skin, of beer or some other beverage, is hanging from a tree, and a labourer drinks from it, while oxen thrash the grain, men winnow it, and scribes set down the quantities measured.[3] The ears of corn only were cut off, the straw either being allowed to stand, or left in the sheaves from which the ears were taken. The grain, like durrah, represented in monuments of the new Empire, was not threshed, but the grain removed with an instrument like a comb.

Mild jokes lightened the labours of the workers, and an old man, sitting in the shade of a sycamore tree and engaged in stripping the ears with this tool, observes to the peasant who brings him a fresh sheaf, "If you bring me eleven hundred and nine, I will comb them all."[4] For aught we know, the sketch may be a portrait, for the farmer's answer is: "Make haste, and do not talk so much, thou eldest of the field workers!" Favourite servants we know are commemorated by name in the earliest monuments, and even in these pictures, where to us all the subordinate figures appear alike, it is extremely probable that the workers habitually employed in any kind of industry felt a personal interest in the corresponding representation. The mural picture on the great man's tomb gives exactly the same *kind* of immortality to the herdsman or the fowler and to the hereditary prince, and thus all classes share in the present enjoyment and the prospective advantage conferred by this most unproductive and egotistic form of expenditure.

As has been already said, the marshes of the northern land were used as general pastures as long as they continued available. Cattle farming seems to have been more popular, in proportion, with the large proprietors of the ancient and middle Empire than with those of later date; but it is probable that there was no real falling off in the amount of stock in the country, only an increase in the relative importance and area of the arable land, which made the annual migration of the herds to the Delta a less conspicuous feature in rural life. In the early days it was not always easy to get the flocks safe housed, and as the waters rose, the cattle had to swim the channels in their way. The legend "Drive these oxen from their pastures" accompanies a picture which needs no explanation; but now and

[1] An Eighteenth Dynasty inscription at El Kab. (Erman, ii. p. 577.) The corn was most commonly stored in conical mounds with an opening near the top, reached by a ladder, through which the bushels of grain were emptied.

[2] *Records*, N.S., iii. p. 53. [3] Erman, ii. p. 575. [4] *Ib.*, p. 577.

then there are touches of more humorous realism, as when the overseer calls out: "What zeal, old man!" to a labourer carrying a calf in his arms, while the herdsman replies: "It is a suckling." Another inscription of which it is hard to see the point, unless it refers to the original of the accompanying portrait, tells us "This herdsman is very jovial." [1]

The ancient Egyptians were fond of and kind to their animals, and the oxen were especial favourites; they were distinguished by name, their horns and tails were decorated, they were fed with dough from their keeper's hands, and the herdsmen took as much pains as English scientific farmers to improve and preserve their choicest breeds. In counting up the herds, animals of each breed and age were reckoned separately; in one, not an exceptional case, the numbers reached 5,023 in all. The drivers always have a list of the animals entrusted to them, and, considering the confidence reposed in them, it may be said that such a document served as much for their protection as that of their employers. Fodder was scarce, so that when a tree was felled, goats and oxen gathered round to browse upon the leaves. As in South China, where ponies are fed on rice, cultivated grain was the most abundant food; but the straw of the corn was considered the due of the oxen, as a pretty threshing song of the Eighteenth Dynasty lets us see. "Thresh for yourselves, ye oxen," the labourers sing, "thresh for yourselves,—for yourselves the straw for fodder, and the grain for your lords; take no rest, for the day is cool. Thresh for yourselves." [2] Misery is cruel; these friendly ditties were certainly not sung by a down-trodden, slave-driven peasantry.

The Egyptians did not keep or breed poultry, at least till a late period; they contented themselves with netting wild fowl, and fattening, or stuffing them after their capture. Hunting, fowling, and fishing were favourite amusements with the wealthy, especially under the Ancient and Middle monarchy; and the marshes and watercourses where such sports could be enjoyed, served as natural game preserves, which were probably also very fairly profitable as contributing to the general food supply.

### § 4. Administration through Stewards.

The larger Egyptian landowners did not sublet, but administered their property through stewards or scribes, the surplus produce remaining in the hands of the scribes to be employed by them as directed. Ani takes for granted that the private householder will have a *khenmes*, a steward, or agent, but he is advised to have only one, a judicious and truthful person, and himself to observe his conduct: "Let thy justice prevail against his weights and his additions." The steward is apparently sometimes a relation, an uncle, sometimes an overseer or "governor" in the slang sense of the workshop. Such a person must be employed, but looked after; his interests should be cared for by his employer, and we may conjecture,

[1] Erman, *ib.*, p. 583.
[2] Dumichen ap. Werner, *Nile Sketches*, p. 52. Erman, *ib.*, p. 516.

though the sense of the texts on this subject is obscure, that one reason why the duty of providing for the steward is mentioned is that, if provided for, he will have the less temptation to oppress his subordinates. The general sense of the advice is to recommend moderation on all sides in the relationship, and it is of course psychologically certain that the steward, who treated his master's interests as his own, would also be the most likely to treat his master's servants as a just and scrupulous master would treat them himself, and wish to have them treated by others.

The king himself was served in the same way as private persons and the great landowners, from whom he differed only in the comprehensiveness of his sway, which included their ration-eaters as well as his own. The great inscription of Amen, the governor "of all the works of the palace of the king" (Usurtasen I., Twelfth Dynasty), dwells especially upon his exercise of these virtues of a steward upon the largest scale. Among other offices, he had charge of all the herds belonging to the temples of the Nome of Mah, and he bequeaths to posterity the assurance, "I carried all the produce of the milch cows to the palace, nothing was kept back by me." Amen, though acting as a steward towards the property of the king or the temples, is himself a ruler and, as he is careful to tell us, a prince of a gentle character, who loved his town. "I never," he protests, "I never afflicted the child of the poor; I have not ill-treated the widow. I never disturbed any owner of land; I never drove away the herdsman. I never took his men away for my works from the five hand master.[1] I ploughed all the fields of the district. . . . I found food for its inhabitants, and gave them the food which they produced . . . when the inundations of the Nile were great, he who sowed was master of his crop. I kept back nothing for myself from the revenues of the field."

As it has been doubted whether there was, strictly speaking, any private ownership of land in Egypt, it is worth noticing that this inscription takes for granted the existence of cultivating owners who might be disturbed or fleeced by an unscrupulous governor; which could hardly be the case if all the land belonged to the king, the priesthood, or the military class, and the less so, since every officer of the king must have belonged to one or other of these two classes. The king in whose service Amen was employed is the one to whom the "Instructions" of Amenemhat I. were addressed, a short composition ranking next to the Prisse papyrus in interest, and regarded in later dynasties as a model of style as well as morality.

The king warns the son who is to be associated with him in the government to let concord be kept between his subjects and himself, "lest people should give their hearts up to fear;" he is not to isolate himself, not to "let the landed lords and noblemen (only) fill his heart like brothers." Then, quoting his own example, the king is heard making just the same protests as his righteous servants: "I have made the affliction of the afflicted to cease, so that their cries are heard no more: . . . I

[1] The "master," or "foreman of five." (Brugsch, *History*, i. 135–7.) Cf. Meyer, *Geschichte*, p. 160; Newberry, *Beni Hasan*, i. pp. 26, 7.

never wore a heart careless for what was for my servants. None were made hungry, none were made thirsty through me. . . . What I ordered was place for friendship."[1] Even without this classic utterance we should have felt justified in assuming that the best Egyptian kings must have made it their business to secure servants who could praise themselves without too flagrant outrage on the sanctity of truth. But the national habit of looking at only one thing at a time makes the existence of this second hand feeling of responsibility almost entirely a matter of inference. Each speaker tells us of his own deeds and his own merits, and has no thoughts to spare for those of other people, however intimately connected with him. One or two of the precepts laid down by the scribe Ani, together with the Instructions of Amenemhat, stand almost alone as bearing on the way in which the system of delegated authority ought to be worked.

The method of administration through stewards or scribes seems to have been carried through all grades of rank and wealth. An officer of the palace writes to the scribe who is in charge of his own household to ask why provisions have not been sent to the palace: "It is the season for calves, beasts, eggs, ducks, and vegetables. . . . "If there are no oxen in the stall of the house of Pharaoh which is under my keeping, thou shalt seek out four oxen of the best and biggest from among my cattle which are in thy keeping."[2] As however the steward kept the account against himself, and was not likely to have his record challenged, unless it were in the long run suspiciously unfavourable to his employer, we are not to conclude that these four oxen are supplied at his own expense, only that in the debtor and creditor account between the two the balance may for the moment have been in favour of the palace.

The custom of, as it were, boarding out the live stock amongst servants or dependants is not by any means peculiar to Egypt; but where it was most developed, as in Tatary and Ireland, it ceased to be regarded as an incident of simple stewardship, and the dependant was called upon to undertake the charge at his own risk. Instead of simply accounting for the stock in his keeping, he was expected to pay a profit rent for their use, and to bear the loss if from any cause the actual produce and increase failed to recompense him for the rent and charges. In stock-farming, as in agriculture, the ancient Egyptians seem to have acquiesced instinctively in the idea that the loss of property, due to exceptional accidents, should be borne entirely by the privileged classes, which received, equally as a matter of course, the surplus of wealth provided by favourable seasons.

The same system continued under the Ptolemies, and we find a man writing to a woman to give evidence in his favour in a transaction regarding another woman, who had taken out of his stable (presumably in payment of a debt) a she-ass belonging to the king, which he summons her to restore in exchange for one of his own oxen. Similarly, a labourer

[1] *Records*, ii. 9. Amelineau, *Recueil de Travaux*, x. p. 97 ff., renders the first and last of these phrases: "Be not urged by thy subjects;" "I was obeyed, and I gave perfect orders."

[2] *Hieratic Papyri*, by C. W. Goodwin. *Cambridge Essays*, 1858, p. 248.

in the reign of Artaxerxes pledges himself to deliver a black cow of his master's, or failing that, an ox of his own to a choachyte for a funeral sacrifice, or to give four times the value of the animal in money [1]—a penalty which, like all Egyptian fines by contract, is only intended to ensure the fulfilment of the bargain. In all such cases it is probable that the animal claimed represented the balance of a debt really due for value received by the subordinate, not a mere exaction on the part of the lord. The stewards were no more required to make good, at their own expense, the loss to their masters from, let us say, a murrain among the cattle in their charge, than plantation slaves would be to make good losses arising from a fall in the price of cotton.

On the other hand, when the services of an animal, belonging to a superior, were to be set against the cost and trouble of its maintenance,—the caretakers being required only to furnish a limited amount of work in the year as rent,—it sometimes happened that some intermediate official would obtain possession of the desired animal (ass or ox as the case might be), while the demand for so many days' work of the ass was made punctually to the labourer who should have obtained it, but did not. However, "there were judges at Thebes," and we may hope from the survival of his *plaidoyer* that the particular Thothmes, whose grievance was of this kind, got back the use of his ass at last.

The "Story of the Peasant," in the Berlin papyrus,[2] reads like a popular Egyptian counterpart to such modern legends as the Miller of *Sans Souci*, and it gives a further illustration of the kind of injustice to which the ancient fellahin were liable. One of the dwellers in the marshlands, who were supposed to be a particularly rough and simple race, was driving a laden ass to his own village; this excites the covetousness of the servant of a chief steward of the king. The peasant's road passes close to his house, and is very narrow; so Asaris has linen artfully spread out in the middle of the pathway. While the peasant is going up the bank to avoid the linen, his ass eats the corn at the side of the cultivated enclosure, and is then claimed as forfeit, because of the trespass. The story was popular and ancient; two of the surviving versions of it being ascribed to the Twelfth Dynasty, and in this case too we may safely assume that the poor man got his rights at last.

It is significant to find that such stories as are told now of Beys and Pashas were told in ancient Egypt of the servants of subordinate officials. Still a system of agencies so easily liable to abuse could only have been maintained when the general sense of the proprieties was strong enough to supply the place of the checks and guarantees which Western civilization delights in multiplying. The security of the poor lay in the fact that the rich were satisfied with revenues that could be drawn without oppression, so that oppression in the private interest of employees was a gratuitous unpleasantness.

[1] *Les obligations en droit Egyptien.* E. Revillout, p. 219.
[2] See *ante*, p. 58.

The outline of the political constitution seems to repeat itself in the industrial world. Every guarantee for the maintenance of good government is wanting, and yet order is maintained; the law gives no security against oppression, yet public justice is upheld; and if equity reigns equally in private transactions, this is in spite of the same freedom from outward checks, since a man's oath is taken as evidence in support of his own claims, while the law seems to have prescribed no penalties for a mere breach of contract, leaving it rather to the parties themselves to assess their own damages and to stipulate in the contract that these should be paid, failing specific performance. The law courts did not aim at giving civil redress to citizens who were defrauded by evil doers; only, as the person justly accused of theft or fraud could be justly punished by the tribunals, those who did not desire to "eat stick" found it expedient not to cheat enough to provoke any one else to cite them before the tribunal.

There was nothing but the stable inclination of the wealthy proprietors to "let well alone" to restrain them from exactions. The one-sidedness of the system did not habitually lead to abuses, only because the custom of the country was stronger than the bad propensities of any individual, and by custom a certain modicum of good behaviour was exacted from all holding a position of authority. Dishonest or tyrannical stewards were not numerous, greedy, or irresponsible enough to reduce bribery to a system, or to enlist the whole force of the administrative machine upon the side of the oppressors. No *class* was able to grow up with interests opposed to those of the community. Great as was the authority or influence of the scribes, the fact that it was exercised neither in their own name nor in their own interest prevented them from obtaining social or political predominance. Like the modern Brahmins, they were a serving not a ruling class. It is one of themselves who includes amongst the councils of worldly wisdom: "What the master says, let it be as he says it;" and we have seen that it was included among the duties of a master to control the accounts of his most confidential agents. The extreme simplicity of the social order was its protection. When there is only the one simple relation of two servants to a common master, nothing but a balance of good-will is needed to enable the just master to prefer just servants to his posts of trust, and to dismiss those who are found unworthy. It is only with the immense complexity of modern life that the difficulty arises sometimes, not merely of doing justice, but of deciding what it would be just to do, when the interests of the innocent and the guilty have become almost inextricably interwoven.

In Egypt, as in China, the holders of office were liable to be judged by the result of their administration, and the utterance of the *vox populi* was taken as conclusive. When the cultivators of a royal farm have fled from the oppressions of a certain overseer, the scribe reports that he has had the man punished, but meanwhile the lord's lands are left without any one to till them; and this fact constitutes at once the proof and the substance

of the overseer's offence.[1] A proverb of Ani's, evidently addressed to an unpopular and unworthy official, shows that the king's servants were exposed to the same sort of plebiscitary judgment "You arrive at a town amidst acclamations, you leave it, and only escape by the strength of your arms,"[2] and there can be little doubt that in ancient Egypt, as in modern China, such a verdict was fatal to an official career

Other evidence goes to show that the normal condition of the labouring class was so far favourable that they were able to offer successful resistance to particular instances of oppression. The groundwork of the Egyptian economy, as has been said, was the allotment to the labourers of subsistence wages paid in kind The cultivators of course retained a portion of the produce of the soil for their own maintenance, and village artisans probably supplied their wants by barter, but workmen in the employment of the temples received, like the priests and scribes, though with diminishing punctuality, monthly rations upon a scale supposed to be sufficient for the support of themselves and their families, and this mode of payment, which was certainly followed in the Necropolis of Thebes—the largest employer of labour in the whole country—probably extended to all minor establishments with a similarly organized staff of operatives following a variety of trades

In the twenty ninth year of Rameses III, there was a serious strike in the Necropolis, owing to the distribution of these rations having fallen into arrears After having been left for eighteen days without supplies, the labourers assembled themselves, and passing out of the walled enclosure of the city of tombs, betook themselves to the open ground behind the temple of Thothmes III, and the next day they actually penetrated within the precincts of the temple of Rameses II The priests of this temple, together with the scribes and overseers of the Necropolis, vainly tried to pacify them with words, they declared themselves to be perishing with hunger and thirst, they lacked clothes, firing, fish, grain, and all the commonest necessaries. They demanded that the governor of the Necropolis, or Pharaoh himself, should be appealed to on their behalf, and only consented to return to their quarters when the rations for the past month were at length provided.

The complaints seem to have been repeated every other month through the season, when two sacks of spelt were offered them instead of the normal allowance of fifty, they threatened to help themselves from the granary by the waterside, and it was only after another demonstration beyond the walls, and the intervention of the governor of the town, that they at last received their due[3] As we have other reason to know, the governors of the town and of the West of Thebes were not always on the best

[1] Chabas, *Mélanges*, 3me Serie, p 146.

[2] A passage in the *book of the Dead* (Pierret, 127, 12) sounds like a formula for the history of a virtuous officer "May my soul rejoin Osiris . . . May I enter praised and depart beloved"

[3] Chabas ap Lieblein, *Deux pap hiér du Musée de Turin*, 1868. *Mélanges Egyptologiques*, III, 45

of terms;[1] but the civil authority was clearly concerned when the discontent had reached such threatening dimensions, and when the workmen had not merely appealed to Pharaoh, but their superiors had sworn by his name to give them redress.

It is curious that this difficulty should have arisen in the reign of the king whose lavish benefactions to the gods seem to have paved the way for political as well as social revolution. There is nothing in all the records of the Ancient or the Middle Empire indicative of a similar failure of the food supply. The only granary which seems to have been empty was the one out of which the workmen's rations should have been drawn; there is no allusion to a general scarcity to explain or excuse the disregard of their wants, and we are therefore tempted to conjecture that the sudden increase of the wealth under the charge of the temple officers gave a sudden impetus to corrupt practices which overshot the mark; and in spite of the king's liberality, left less than the ordinary revenues available for those employed in the industries dependent on the tombs and temples.

A similar incident occurred in the same quarter in the reign of Rameses IX. We gather from the foreman, whose time-book has been already quoted, that his troop, which included mechanics of different kinds, metal-workers, cabinet-makers, etc., received a weekly ration of about five hundred pounds of fish, besides vegetables, corn, firewood, and jars of beer or oil in proportion. But as before, the distribution of the rations was allowed to fall in arrear for a whole month; in one month wood alone was given out, and as the workmen had already tried the expedient of striking work without permanent success, they proceeded the next day into the city, and made their appeal to the great lords and the first prophet of Amon. These high authorities at once summoned the responsible scribe, and, in the words of our text, said to him: "See here the corn of the Government; give thence rations of corn to the people of the Necropolis." The last words of the worthy foreman's record also deserve to be preserved at length: "This day they gave us the rations of corn; *we gave two coffers and a writing table to the fan-bearer.*"[2]

We may be wrong in imagining that this kind of grievance was of recent origin, but there can be no doubt as to the fact that even in the latter days of the monarchy, when the beginning of the end of Egypt's glory was in sight, the people still looked to their lawful rulers for protection, and did not look in vain. The sovereign power was conceived as a friend, with no defect save that of being, like the gods themselves, somewhat far away from its suppliant; and the people had not formed such a habit of submitting to oppression as to make them unable to assert their lawful claims.

There was a well-established standard of comfort amongst the labourers, and unless the rations supplied to them came up to this, they could be depended on to grumble. A letter from a scribe to his master narrates how all the rural economy is prospering; men and beasts have their rations duly, and of the former he says further that "none complain

[1] See *post*, p. 165. [2] Erman, *Æg.*, p. 183.

concerning the food and drink."[1] If their just complaints were not attended to, the labourers, as we have seen, went a step further and struck work, or, as the scribe expresses it, "lay in their houses"; and as strikes are seldom carried to a successful end, except in tolerably flourishing trades, we must conclude that the Egyptian working classes of the period were several degrees removed from the helplessness of chronic destitution.

### § 5. Slavery.

One point which cannot be overlooked in considering the position of the industrial population is the extent to which it may have been affected by the development of slavery. The statement in an inscription of the Twelfth Dynasty, that the speaker "gave his orders to the land of the South, and imposed the taxes on the Northern land," recalls a significant phrase in the *Ritual of the Dead*, which probably represents the mental habit of centuries. "I have led to thee the South, subdued for thee the North,"—the soul, in the character of Horus, is supposed to say to Osiris, as if it belonged to the eternal nature of things for the negroes to be carried captive or reduced to vassalage, while the Asiatics were invaded and made tributary. The prevalence of negro slavery is also evidenced by proverbs. "It is said of the ass, urge him, and he is active for the day; of the negro, threaten him, and he will carry his load."

Diodorus' statement that "Sesoosis employed no native Egyptians on his works, but caused all the labour to be done by his captives," though of no historical value, serves to show what was the ideal of Egyptians of his own day. Indeed, it is possible that the forced labour of newly subjected foreigners was regarded rather as a kind of tax or *corvée* than as a form of personal servitude. The Temple of Amon, at Ape, near Karnak, was built for Thothmes III. by "the prisoners which have been carried away as living prisoners in very great numbers." Rameses III. allotted his captives to the service of temples, and it is generally admitted that a considerable part of the forced labour expended upon public works was executed under the greatest kings by their prisoners of war.

The Syrian colonies left behind after the expulsion of the Shepherd kings were treated in this respect as captives, but the same legend which tells of the severity of their taskmasters also bears witness to the fact that even enslaved foreigners were well fed by their Egyptian lords. Express mention is made, as of something exceptionally disastrous, of the loss of life among the labourers dispatched on one expedition, which reached ten per cent. of the whole number employed,[2] and tried by Oriental standards such a *maximum* mortality may even pass for moderate, while the fact that it is recorded as a matter of regret shows that the Government did not claim the right to dispose irresponsibly of the lives of the people.

Of course only men prisoners are represented as employed in building

[1] Letters from the scribe Pentaur, *Cambridge Essays, loc. cit.* [2] Brugsch, *Hist.*, ii. 170.

temples or monuments; and the campaigns of the Egyptians were not always directed against regular armies, fighting at a distance from home. When they met their enemies on their own ground, they must either have been content with levying a tribute, or they must have carried off women and children as well. The latter course was probably the exception, but any mixed array of captives would be disposed of in the way described by the pseudo Aristæus, the details of whose fictions were of course founded upon contemporary facts. According to him the Jewish captives, who were released out of compliment to the authors of the Septuagint, had been partly drafted into the army, and partly settled in colonies for labour, while the old, the young, and the women were given away as household slaves to individuals, or for camp service.[1]

Household slaves were also obtainable by purchase, but it is characteristic of Egyptian moderation that in a community where slaves were freely made and used, the numbers or discontent of the slave population never either caused inconvenience or threatened danger. The absence of the argumentative, almost of the logical instinct in the Egyptian mind seems to have saved it from one of the commonest fallacies of practical politicians—the assumption, namely, that what has been found useful up to a certain point will be twice as useful if carried as far again—a doctrine which, unfortunately, only holds good of the most disinterested social virtue. Even if every other ingredient of stability had still been present, it is self-evident that the duration of Egyptian or Chinese society would have become impossible in the face of a growing population of malcontent slaves. But there was no fear of such a class in Egypt, where, in the first place, only members of an inferior race ran any risk of being reduced to slavery at all, and where, moreover, the lot of the domestic slave was in no respect worse than that of the labourer or artisan accustomed to do his daily work "under the stick" of an overlooker.

Domestic slavery has certainly never existed in a milder form than in Egypt. The family relations of slaves were always recognised, and, in private deeds regarding them, the father and mother of the slave are mentioned in the same way as those of any native Egyptian. A slave is sold with his family and his possessions, a sign that it is usual for him to have both; and in one case, when sold for the second time after a few months' interval, the slave himself signs an agreement to the transfer, and consents to accept the new master.

M. Revillout suggests that the slave may have been entitled by law to claim his freedom if sold repeatedly without his own consent; and the document in which it is given serves, in lieu of the customary stipulation, for the payment of a fine or penalty, in the event of the assignment being called in question at any future time. There is nothing to indicate that the document was of an exceptional character in Egypt, but it would be impossible to find a parallel for it elsewhere. The terms are as follows: "The young man above named, Pseu . . . son of Thothmes, whose

[1] Galland, *Bibl. max. Patrum.*, ii. 774, C. D.

mother is Settekbau, says: I have written to accomplish all the above words. My heart is satisfied; I am thy servant together with my children and all our property, present and to come. I can never make any opposition hereafter to this servitude."[1]

It is difficult to say whether by the latter clause the slave would be held to have renounced his constitutional right of taking sanctuary. Herodotus[2] mentions a certain temple where if slaves took refuge they were allowed to pass into the possession of the god, and the surviving documents show that this was not an exceptional privilege. The slave who found his employer intolerably troublesome and disagreeable, without necessarily alleging any gross outrage, could throw himself as a suppliant before some divine image and was secure against anything worse than reproaches from his deserted master. If, on the other hand, the master had a grievance, he proceeded in the public courts against the slave, instead of passing judgment and executing sentence at his own discretion. A slave who had taken sanctuary in a temple might be arrested by the police outside it; and thus rewards, offered for the arrest of missing slaves, sometimes add a promise of half the amount for information where they have taken sanctuary.

The text of the document in which a slave renounces his master is as remarkable as that by which the son of Thothmes assents to his own sale. "My voice, that of the servant of Tavé, before Osorapis, son of Taba. Oh thou, whose name is written above, great Lord, whose face is protection, I have cried towards thee; I shall betake myself from these people. Thou hast heard my voice, my struggles, and that which has befallen; thou knowest the heart of thy little servant; thou wilt make known the perversity of these people vast as the sea! On my head the difficulty which results; my whole being revolts against their service and their company! Come! there is a step—I will take it; there are reproaches—I will bear them; there is a God! an image of the God! I fly towards it; I will entreat them (the Gods). Let Tavé know whom his servant will entreat!"[3] The Serapeum at Memphis was the sanctuary invoked in this case, and, as may be supposed, the lot of the numerous slaves, belonging to the temples of such benignant gods, was sufficiently easy; even their interment was so liberally provided for, that the right of conducting it was a property worth defending in legal form.

There is another curious type of deed, by which a woman sells herself for life, as a servant or concubine, expressly stipulating that she is not to be repudiated at any future time by her master, nor the bargain disputed by any friend or relative on her behalf, under penalty of a fine equivalent to the value of all the personal property which she transfers along with her own person to her future lord.[4] The rights of the slave wife among the Hebrews were probably copied from Egyptian usage, and the transaction should perhaps be regarded rather as illustrating an inferior kind of marri-

[1] *Cours de droit Egyptien*, p. 103.
[2] ii. 113.
[3] *Zeitschrift*, iii. p. 125.
[4] *Cours de droit Egyptien*, p. 102.

age than voluntary slavery. As in China, the children of such a marriage would follow their father's, not their mother's status, and have a claim on his inheritance as much as if their mother had been a legitimate or "established" wife.

In general the position of the Egyptian slave was not unlike that of the Roman freedman, a word which the Egyptians were as little able to translate as the Jews, whose liberal treatment of domestic slaves shows some trace of Egyptian influence. Slaves not employed in household service lived at large, and had so little to distinguish them from other cultivators that we find a private landowner complaining that one of his slaves had been "pressed" and carried off to serve in the navy.[1] Compensation was claimed for the loss of his services, and it was urged that he should be restored in time to attend to the summer's harvest work. Free cultivators at the same time were glad to borrow the slave's right of sanctuary, if oppressed by landlords, stewards, or money-lenders, for in some quite late leases (of the time of Euergetes II.) the tenant is made to bind himself by oath *not* to betake himself as a suppliant to the temple, altar, or statue of any god. Oppression was not unknown in ancient Egypt, but there, as in other States of the domestic type, the constitution of the State aimed at providing the poorest with a refuge against it. With the rise of the political races the new idea presents itself, of inviting the poor man, whom it may hereafter be convenient to oppress, to contract himself—of course quite freely—out of his constitutional right to be protected against oppression by those higher powers, with whom justice, it was hoped, abode in heaven, even when no longer to be seen on earth.

[1] Chabas, *Mélanges Égyptologiques*, p. 226. *T.S.B.A.*, vii. 3, 411.

## CHAPTER III.

### *COMMERCE AND INDUSTRY.*

### § 1. Domestic and Foreign Traffic.

In ancient Egypt agriculture counted for more than manufactures, and manufactures were of more importance than commerce. The trade which existed was brisk enough as far as it went, but it aimed at little more than the satisfaction of local wants by the more or less direct exchange of commodities between producers.

The limited development of internal traffic was due to two principal causes: the natural products of different parts of the country were too much alike for much intercourse to be necessary for purposes of exchange, and the conformation of the country, in itself scarcely larger than Belgium, was such as to give the longest possible distance from north to south; and though, of course, the Nile made communication possible even from the extremity of Southern Nubia to the Delta, the mass of the population found the distances a bar to voluntary intercourse. Thebes and Memphis even, to say nothing of Pelusium and Syene, are about as far apart as Berwick and the Land's End.

The Nile was the only known highway, so much so that the language scarcely possessed a general word for travelling; going southward was called "going up stream," and a journey to the north, even by land into the desert, was described by a term meaning to sail with the current. In the absence of tributary streams, the direction of the Nile appeared to the Egyptians as something belonging to the nature of rivers,[1] so that when they made the acquaintance of the Euphrates, they described it as "the river of Naharina which flows backwards,"—the water upon which you travel northward when ascending the stream.

While internal traffic was thus brought to a minimum by natural causes, foreign commerce can scarcely be said to have existed, before the establishment of peaceable intercourse with Syria under the new empire. The importation of merchandize from foreign countries was a political rather than a commercial affair. Such foreign wares as entered the country came as tribute, as the spoil of war, or as memorials of peaceful embassies. Like the emperors of China and the petty kings of modern Africa, the kings of Egypt would have considered it beneath their dignity to buy or sell. It was a political concession, rather than a commercial treaty, in the modern sense, when Rameses II. allowed the Khita (or Hittites) to import food from Egypt, "to preserve the life of the people of the Khita."

[1] Erman, vol. ii. pp. 635, 680.

There is no reason to suppose that such transactions were ever regarded as a possible source of revenue, and in the ordinary course of things the native Pharaohs, instead of exporting, hoarded the surplus food supply, from which, in bad times, they were enabled, without perceptible sacrifice, to provide food for their necessitous subjects. The mineral wealth of the country was treated, in the same way, as a State possession, and Government expeditions were sent to bring in gold, copper, or turquoises from the mines of Nubia and Sinai, just as they were sent to the quarries of Hammamat or Syene to bring home the choicest stone or marble for the royal monuments. The copper mines in the Wadi Maghara, where the figure of King Senoferu is still to be seen upon the rocks, were no doubt the first to be utilized in this way. The neighbourhood of barbarous and hostile tribes, and the distance of the mines from the Nile, where alone the business of transport became easy, made it necessary for every expedition to take a semi-military character. As the mines of Sinai were reached by sea, vessels had to be manned, if not built, for each party, and the large proportion borne by the number of guards, to the workmen mentioned in some of the expeditions, show that the latter must have been employed also in the transport of food and water for the whole body.

In the ancient kingdom silver was less plentiful than gold, of which the chief supply was derived from the regions known as "the Arabian desert" or "the East," a term used vaguely, much as Europeans used to speak of the Levant. The quarries of Hammamat, in the mountains between the Nile and the Red Sea on the road from Koptos to Kosseir, were worked in the reign of Assa of the Fifth Dynasty, and Pepi of the Sixth, high officers being sent to inspect the proceedings of the miners; but in the time of confusion between the Sixth and the Eleventh Dynasties they may have been disused until the road was opened again, for official embassies to the land of Punt. The gold mines of Nubia were among the attractions which drew the great kings of the Twelfth Dynasty to attempt the conquest of that country; but while they desired to secure peaceable access to the mines, and also to obtain the ivory, ostrich feathers, leopard skins, and gold dust brought to market by the negroes, nothing was further from their intention than to permit free and open trade between their own subjects and the barbarians.

Ethiopia was the Mongolia of Egypt, and just as the "Jade gate" of China was garrisoned to enable the Government strictly to limit and control the traffic with the Tatars, so Usurtasen III. fortified the "gates of the barbarians," establishing a station at Semneh, south of the Second Cataract, with two forts commanding the canals, a temple, and a border stele, bearing an inscription that forbade negroes to cross the boundary, save such as brought cattle or other goods for sale upon the spot. The names of Elephantine and Syene, signifying respectively "ivory" and "trade," show sufficiently the purpose of the first frontier stations. The negroes were forbidden to pass either by land or water, and Usurtasen solemnly committed the care of the boundary to his sons, declaring those of his

successors who defended it to be like Horus, the son who protected his father.[1]

All these precautions did not prevent the raids of the barbarians from being renewed, and though one of the Sebek-hoteps of the Thirteenth Dynasty penetrated over 300 miles to the south of Egypt, Nubia was lost under the Hyksos, and the former limits not regained till the reign of Thothmes III., whose successors seem to have been mainly prompted by their desire for gold, in keeping up the diplomatic correspondence with Kassite kings of Babylon. One cause of the importance of the station at Semneh was that the rise of the Nile could be watched there. But the only other vulnerable spot on the natural frontier was defended in exactly the same way; "the wall of the Lord erected to keep off the Asiatics" barred the Wadi Tumilat, to the east of the Delta, where the Bedouin tribes were as dangerous as negroes to the peaceable Egyptians.

One of the most characteristic points about the mining expeditions of the kings, is that nearly all of their commanders think it necessary to give a report of their success in provisioning the caravans, or rather the small armies, employed upon the trying marches through waterless deserts and mountains. One of the Mentu-hoteps of the Eleventh Dynasty made a reservoir or discovered a spring for the workmen in Hammamat, "that they might not perish with thirst;" and the inscription commemorating the expedition which followed this fortunate and beneficent work tells us "that the soldiers suffered no loss, no man perished, no ass had his back broken, no labourer succumbed."[2]

A little later Se-anch-ka-ra,[3] a precursor of the great Twelfth Dynasty, sent an expedition of 3,000 men to the land of Punt, the commissariat of which had been so well provided for, that twenty loaves and two jars of water were given daily to each man in the company. The adequacy of this provision may be measured by a comparison with the "temple days" of the priests,[4] whose rations for a family of the higher class are reckoned at one hundred loaves a day; the twenty given to the men of the expedition probably represent food for themselves, and for a woman or other attendant to cook and carry for them.

If the loss of life in any similar embassy was considerable, the fact is recorded with regret, and it is clear that the Egyptian kings did not merely aim at providing such a supply of water as should make it possible for the gold mines to be worked; they were honestly anxious to have them worked without loss of life.[5] Amen mentions as part of his success in bringing gold from Nubia to Usurtasen I., that not one of the 400 men who formed his party had been lost on the road. Seti I. dug wells for the

[1] Lepsius, *Nubische Grammatik*, p. 88.

[2] Wiedemann, *Ägyptische Geschichte*, p. 21. Cf. also Brugsch, *Die ältesten Goldbergwerke*, Westermanns, *Illustrirte Deutsche Monatshefte.*, Sep., 1890, p. 747.

[3] Erman, ii. p. 668. [4] See *post*, p. 158.

[5] Diodorus describes the sufferings of prisoners employed in the gold mines as intolerably severe; but there are two points to be remembered in regard to his statement: first, that it only refers to the decadence of Egypt; and, secondly, that a cruel penal system may co-exist, as in China, with a generally high regard for popular rights.

miners, and built a town and temple for them near the modern Redesieh, and he tried, vainly, to obtain water by the rich mines of Eschuranib, so that "on account of the dearth of water, gold had ceased to be brought from the land," till, as appears from the Kuban stele,[1] Rameses II. was more successful. When we compare these records with the reckless waste of life among the labourers employed on his works by Mehemet Ali, or even those engaged upon the Suez Canal, the scrupulous humanity of the ancient rulers of the country seems all the more remarkable.

The repeated embassies to the land of Punt were chiefly designed to bring back rare plants and animals, spice and incense, and especially the trees from which incense was obtained; and as all presents to a king are regarded in the light of homage, the treasures so obtained were called tribute,[2] though no attempt was made to claim or exercise authority over Southern Arabia. Under the Second and Third Rameses,[3] ships were used "to bring in the tribute of many lands," and it is probable that the trade with Syria, which then began to attain considerable dimensions, was conducted, as foreign trade with China always was, until the present century, under cover of parties of so-called tribute bearers. The articles imported at this time can be recognised by their names, and include arms, chariots, boats, musical instruments, different kinds of bread and beverages, incense, horses, cattle, fish, and various other manufactured wares;[4] and as Egypt cannot have been inferior to Syria in any of the industrial arts, fashion and the commercial enterprise of their neighbours may account for the extent of the importations. But so long as these continued few and valuable, it was taken for granted that they must belong to the king alone, and in fact they were for the most part such as could only be used by the privileged few: the king, his officers, and the guardians of temple endowments.

The list of the spoil taken by Thothmes III.[5] gives a tolerably exhaustive account of the treasures of the time. It includes, of course, bulls, cows, kids, white goats, mares, foals, oxen, geese, and corn; then follow strange birds, negroes, men and maid-servants, noble prisoners and the children of defeated kings, chariots of copper, plated with gold and silver, iron armour, bows, swords and other accoutrements, leather collars ornamented with brass, gold and silver rings, cups, dishes and other utensils, vessels of iron and copper, statues with heads of gold, ell-measures with heads of ivory, ebony, and cedar inlaid with gold, chairs, tables and footstools of cedar wood and ivory, a plough inlaid with gold, blocks of blue-

[1] Erman, ii. p. 616.

[2] The famous embassy of Syrians (Amu), represented on the grave of Khnumhotep at Beni Hassan, bears paint for the eyes as a precious gift, and one of the royal scribes presents their petition for leave to pass the frontier; and the tomb of Rekhmara shows him receiving, for his sovereign, gift-bearing embassies from Punt, from the princes of Phœnicia and the isles that are in the midst of the sea, from Ethiopians or Nubians, from Syrians, and from the tribes of the Upper Nile.

[3] The great vessels of Rameses III., according to the Harris papyrus, go to Punt to load, with all the produce of To-neter—Arabia, and the East generally, as well as with the mysterious marvels of the land of Punt.

[4] Erman, ii. p. 682. [5] Brugsch, *Hist.*, i. 326.

stone, greenstone and lead, "a golden storm-cap inlaid with bluestone," jars of balsam, oil, wine and honey, various kinds of precious woods, incense, alabaster, precious stones and colours, iron columns for a tent with precious stones in them, bricks of pure brass, elephants' tusks, natron, and, finally, by way of curiosity, from the land of the kings of Ruthen, three battle axes of flint—an item which is perhaps more interesting to us than to the original captors, as a mark of the duration of the stone age in Syria.[1] Under the Ancient Empire, both hyænas and gazelles were included among domestic live stock, and if we add to the above list all the ordinary products of the Nile Valley and its dexterous artificers, we shall have a tolerably complete idea of the commodities counted as wealth in the golden age of Egyptian greatness and prosperity.

The Ebers papyrus, composed about the middle of the sixteenth century B.C., contains prescriptions for the eyes, said to have been obtained from an Amu of Kepir, which Meyer supposes to have been the Phœnician Byblos. The trade in fish, fancy bread, and such ordinary articles of consumption, which was common in the later years of the Egyptian monarchy, probably began during, and continued after, the Egyptian conquests in Syria in the same century. But it is impossible as yet to say how early the exchange of goods between Egypt, Phœnicia, and Babylonia may have begun. Some pottery found in tombs of the Twelfth and Thirteenth Dynasties resembles the earliest Cypriote and Italian ware,[2] and Meyer supposes[3] that Egyptian wares reached Babylonia through traders at the same period. Both the Phœnician alphabet and the Cypriote syllabary also appear to be derived from the hieratic character used in the Twelfth, rather than that of the Eighteenth or any later Dynasty.[4] Indeed, unless the alphabetic development which started from Egypt had taken place already, the use of the Babylonian language and character for diplomatic correspondence in the sixteenth century might have arrested or superseded it.

Though there was little commerce in ancient Egypt, there was a great deal of local trade; a brisk exchange of commodities, by way of barter, went on between the petty producers of the same village or neighbourhood. There is a representation of an Egyptian market on the pillars of a Fifth Dynasty tomb,[5] which shows that the work-people who, from some points of view, seem all mere servants or employees of the great men, also work or traffic on their own account. The lower orders then, as in the days of Herodotus and like the modern Chinese, used to eat in the streets, buying

[1] In Egypt itself stone implements seem to have been used—no doubt, as a matter of economy—by the poorer classes, long after the use of metals had become common, just as wooden ploughs are still in use in remote parts of France.

[2] *Kahun, Gurob, and Hawara*, W. Flinders Petrie, p. 26.

[3] *Geschichte des alten Ægyptens*, p. 183.

[4] Unless, indeed, they are derived from cuneiforms, according to the more recent view, which seems in the ascendant. It is any way possible that the cosmopolitan traders who introduced the general use of alphabets, as distinct from syllabic characters, derived the hint for the epoch-making invention from Egypt.

[5] Maspero, *Gazette Archéologique*, vol. vi. p. 97.

prepared food from itinerant cooks. In one group the customer, if one can use such a term when both parties are selling, holds out and offers a "pair of stout sandals," while the other says: "Here is some sweet *sat* drink for thee." Another woman holds out two white vases: "Here is the scent *nemsit* to give you pleasure;" in another scene the customer offers blue and red beads in exchange for some unknown object, and the shopkeeper says, "Let us see; give the equivalent." Another client of the same dealer offers a fan: "Here is a fan for thee; fan thyself." In another case, three brushes and a sort of bellows are offered. Three of the parties buying carry a sort of casket, containing perhaps beads or some other substitute for money; one of these is buying a fish, which the dealer cleans, and the legend, unfortunately defaced, is so long as to suggest that the volubility of fish-markets is as old as history itself.

Similar scenes in monuments of the middle kingdom represent the provision markets held for boatmen by the river. No doubt, among the Egyptians, as everywhere else where trade is carried on without money, some few standard commodities were used, both as a measure of value and to make up the differences between the articles exchanged; copper wire was certainly used in this way, and the price of a valuable article, such as an ox, was assessed at such a weight in copper, though the equivalent actually given consisted of honey, walking sticks, and a variety of other articles, each estimated as worth so much in wire.[1] Most probably, as in China, the small wares brought to market represented not so much the work of independent artisans as the surplus home-grown, home-made produce of rustics who had not yet adopted special trades.

The general state of the arts and industries, and the division of labour in customary use in later times, is illustrated by a document belonging to the age of the Ramessids, containing the demand for an exact report of the numbers of employees, presumably attached to some temple.[2] The querist enumerates the classes concerning which he expects information: the agricultural labourers, by name; the clerk of the works; the man of letters; the workers in wood and metal; agricultural associations of all kinds; skilled artisans, messengers, superintendents of agriculture; the major-domo, the military commandant, horoscopists, the chamberlain, the "scribe of the table," "checkers," or, as we should say, perhaps, *auditors*, a class hardly to be dispensed with in a community so much given to book-keeping; the apothecary, the baker, confectioner, cook, chief of the wine-tasters, the chief of the works, the steward and foreman of the metal and wood workers, sculptors, foremen and chief of the foremen of the masons and labourers, well-sinkers, barbers, shoemakers, and basket-makers.

This list represents the varied *personnel* settled on, or attached to, every large estate, public or private; and indeed, no circumstance concerning the manners and customs of the Egyptians is better known than the varied character of their arts and industries. Bronze was the metal in common use; but in working the hardest stones, circular saws of this metal were tipped

[1] Erman, i. 179; ii. 657. [2] Chabas, *Mélanges*, ii. 131.

with precious stones,—even, it has been suggested, diamonds. In the Twelfth Dynasty mention is made of a "chief of the goldsmiths," and of the son of such a personage; but the arts of metallurgy are not much illustrated in the wall-pictures. Little is known also of the processes of manufacture of Egyptian faience, which are still in some respects unsurpassed; blue and green were the favourite colours, as lapis lazuli and malachite were the most precious stones. It has been doubted whether the earliest representations supposed to refer to glass-blowing do not rather depict a furnace for metal-working; but, subsequently, glass was known as "the Egyptian stone." Elektron, which is often mentioned as of high value, was probably an alloy of two parts silver to three of gold. Choice examples of cloisonné enamel belong to early days of the new monarchy, and it would be superfluous to insist on the perfection of much of the decorative work of the native craftsmen. A curious example of their mechanical skill was found at Hawara—a pair of socks, with the covering of the great toe detached, made in felt, without any trace of seam, in a manner which modern processes would altogether fail to equal.

In the Twentieth Dynasty, we find men who record themselves as weavers by profession; taste in dress tended to settle upon the finest white fabrics, and the accounts of the achievements of the looms—340 threads to the inch—seem almost incredible. We know that the Egyptian women were wont to drape, one cannot say to veil, their graceful forms in transparent robes, finer than the finest silk; and the same taste which enabled them to mix the brightest primary colours, without crudeness, in the decorations of their buildings, seems to have warned them against the use of colours on the figures to be seen against these brilliant backgrounds.

## § 2. Art and Architecture.

The most important and characteristic of all the arts of Egypt, and those to which we owe our knowledge of all the rest, were, of course, those of the architects—builders, sculptors, and painters—who erected and adorned the tombs and temples which have survived the births and deaths of so many younger empires. The scale and outline of any monumental work was generally determined by the person at whose command it was undertaken. The high officers, who boast of having rejoiced the heart of the master by their supervision of great works in his honour, were seldom professional architects; or rather, it may be doubted whether the work of the architect, in the modern sense, went much beyond a general choice of the scale, proportions, and material of the projected edifice; such directions, in fact, as a modern patron of the arts gives to an architect, in total uncertainty as to the elevation that will be prepared in consequence. Such directions might be given by the king himself, and any officer of the court would be qualified to see that they were being carried out. The portion of the work requiring technical knowledge and hereditary skill was that left, as we should say, to the builder rather than the architect. Indeed, the difference between

the master builder and the skilled mechanics under him was probably one of degree rather than of kind. According to Polybius,[1] when the island of Rhodes suffered from an earthquake, 100 architects and 250 workmen were sent as a gift from Alexandria to restore the Colossus, and the proportion between the two classes speaks for itself.

The buildings of Egypt were erected by common labourers and skilled working "architects," mechanical artists, trained in the same school, and each fully competent to carry out his own special portion of the work. As an inscription of Thothmes III. tells us: "Each of the temple artists knew the plan, and was well instructed in the mode of carrying it out. No one betook himself away from that which was given him to do." The plan was always of the simplest; just as the Pyramid is only a magnified and permanent mound, the great temple of Karnak is only an extension of the other primitive form of tomb, a stone hut, or roofed parallelogram of massive structure. The buildings are such as children put together with oblong bricks. There is very little architecture, properly so called, and the absence of variety and relief has been justified on the ground that such work is wasted under the dazzling sunlight of Egypt, which makes columns and towers look almost flat. The same cause which neutralizes all effects depending upon light and shade also makes the whole atmosphere seem iridescent, and gives an unimaginable depth and variety to the simple coloured decorations of the massive surfaces of Egyptian building.

The latest historians of ancient art do not sanction the idea that there is anything mysterious in the perfection of the best Egyptian monuments; the work is sometimes excellent, sometimes careless, and the superstructure was sometimes too heavy for the foundation. The dry Egyptian climate has had as much to do with their preservation as their original massiveness; and even in Egypt time and weather are so far destructive, that we find the monuments of the Ptolemies and the Ramessids in a fresher state of preservation than any buildings of the Middle or the Ancient monarchy, the Pyramids, of course, excepted. As to the difficulties of construction in buildings of such vast proportion, it should be remembered that the mechanical appliances of modern engineering are more labour-saving than force-producing. With unlimited command of human muscle, there is hardly any mechanical achievement that may not be compassed by the simple use of the inclined plane and lever,[2] with an elementary knowledge of the properties of solid bodies such as civilization tends to obscure with most of us.

Lady Duff Gordon describes the curious appearance of a crowd of men carrying huge blocks of stone up from a boat, and adds: "One sees exactly how the stones were carried in ancient times; they sway their bodies all together, like one great lithe animal with many legs, and hum a low chant to keep time. It is quite unlike any carrying of heavy weights

[1] v. 89.

[2] "And perhaps a kind of elementary crane." (*History of Art in Ancient Egypt.* By George Perrot and Charles Chipiez (Eng. tr.), ii. 72.)

in Europe."[1] A mural picture of the Twelfth Dynasty at Berscheh shows a colossal alabaster statue of the nomarch being dragged along by ropes, at which nearly two hundred men are pulling in couples,[2] and it is practically certain that the labour for all great buildings was provided in this way.

The erection of colossal monolithic obelisks or statues always remained an exceptional and memorable achievement, justifying the boast that "no king had done the like since the days of the sun-god Ra." Amenhotep, the chief architect of the third king of that name, makes this remark concerning the "two portrait statues of noble hard stone," one of which is now known as the statue of Memnon; and it is curious to find, along with the record of their astonishing breadth and height, a critical comment by the ancient artist to the effect that "their completed form made the propylon look small."[3] The sense of proportion which played so large a part in the theory and practice of Egyptian art had clearly attained to complete self-consciousness, as indeed might have been inferred from the deliberate exaggeration of the size of the head in these colossal statues, made to allow for the effect of perspective, and from the trick of narrowing passages so as to increase their apparent length.

The wise artist, Iritisen, whose family history will be referred to later, is made to describe his skill in terms which show us the wide range of the architect's work, and the somewhat mechanical conception entertained of the artist's. "I know," he tells us, "I know what belongs to sinking waters, the weighings done for the reckonings of accounts, how to produce the form of issuing forth and coming in, so that a member may go into its place. I know the walking of an image of man, the carriage of a woman, etc."[4] The sculptors are described in the hieroglyphs as "givers of life," partly of course in reference to the posthumous existence which their skill secures for the deceased; but a rather singular effect is produced by the bas-reliefs which represent the artists at work upon their statues, because the living man and the stone image are represented in exactly the same manner, and the one is to the full as life-like as the other.

The early development of the school of realistic art which flourished under the first six dynasties is a fact that admits of no explanation; it is as remarkable in its way as the sudden development of ideal Greek sculpture in the age of Pericles, or the masterpieces of the Khmers at Angcor, and it is only more inexplicable, in so far as we know less of the conditions under which the artists grew up, whose genius is after all an ultimate fact. The genius of these earliest Egyptian artists seems to have been singularly independent of accidental circumstances, their work being equally spirited and truthful in wood, bronze,[5] and the hardest stone, such as diorite.

[1] Lady Duff Gordon, *Last Letters*, p. 154.
[2] Lepsius, *Denkmaler*, ii. 134. [3] Brugsch, *Hist.*, i. 425.
[4] *Stele of Iritisen*, ascribed by M. Maspero to the Eleventh Dynasty. (*Records*, x. 1.) He claims that some of the secrets of his art are known only to himself and "the eldest son of his race." (Brugsch, i. 180.)
[5] Cf. for the undated bronze statues, ascribed from their style to the ancient monarchy. Musée du Louvre (*Catalogue de Sculpture Égyptienne*, E. Revillout, 1890); No. 177, adjoining the famous 5th dynasty polychrome statue of a scribe.

There is a statue of this period at the Louvre, representing a scribe, sitting cross-legged with a perfectly modelled torso,[1] and the museum at Gizeh contains statues showing easy and natural action of all kinds—a baker kneading bread, a man with a burden leaning back and resting it on a support, and others not less realistic than the well known wooden Sheik-el-Beled.

The wall pictures of tombs and temples, in which of course the mysteries of perspective are unmastered, had never reached the same degree of realism as the sculptures. The earliest tombs gave more space in proportion to merely secular scenes, treated as realistically as the artist's knowledge permitted; and in spite of the quaint mixture of full face and side view, adhered to systematically from the first, it may be doubted whether anything like the same vigour, truth, and picturesqueness could be achieved, even by a correctly drawn outline, when the Egyptian feeling for harmony of line and arrangement was missing.

The gradual substitution of stereotyped representations of the Under World, and the posthumous adventures of the soul, was due to the development of mysticism and mystical theology in the priesthood. By an equally gradual process the priests became more of scribes and less of artists, till the figures of the gods came to be outlined in the spirit of a writing master, and human figures copied the conventional type adopted for the divine.

A deliberate attempt was made under the Saite kings to revert to the ancient models, but the work of this renaissance is easily distinguished, now that the fact of its existence and the revival of the worship of early kings connected with it has been recognised. The kings alone always continued to be represented in the round, and here it may almost be said that the Egyptian conventionalism was a real idealization, an attempt—and in the case of colossal statues a successful attempt—to attain the beauty of impassive grandeur, even though at the expense of realistic truth. There is no grandeur in mere size, and arms and legs twenty times as large as life would offend us if portrayed with merely photographic accuracy; but if the artist ignores instead of magnifying the trifling surface details of humanity, so that the sculptured body becomes a mere pedestal for a beautiful countenance, visible as a god's might be from afar, suggesting by its vastness a superhuman dignity and strength, the effect produced is one which we may recognise as impressive and, in its kind, scarcely inferior to the wonders of Greek and Italian art.

The builder's art no doubt stood higher than any other of a material kind, owing to its importance, or one might even say its sanctity, in connection with the immortality of kings. Pharaoh himself would show the depth of his interest in a new construction by giving "the first stroke of the hammer" himself; and so exactly did this form answer to the modern ceremony, of laying a foundation stone, that an ornamental set of tools, belonging to Thothmes III., and used by him "when he drew the cord over 'Amon glorious on the horizon,'" supplies the most complete ex-

[1] See, for photograph of similar statue last discovered, *Archæological Report Eg. Expl. Fund*, 1892–3, p. 25.

ample in our museums of the implements in common use,[1] and at the same time suggests that the silver trowels used on similar occasions by great personages in our own day may not prove altogether without historic interest to a remote posterity. The same sort of interest attaches to a plummet with the owner's or the maker's name on it, which was discovered in the pyramid of Unas (Fifth Dynasty); and in general it may be said that any one of sufficient importance, personal or professional, to leave his mark upon the monuments, is shown by that fact alone to have filled a position of some consequence; while if his profession was what we call mechanical, that will only prove that the pursuit of mechanical arts was not incompatible with such a station.

The "chief of the artists of Upper and Lower Egypt who knows the secrets of the houses of gold,"[2] a title met with in the new monarchy, evidently belongs to an officer of comparatively high rank, and it is possible that the chief priest of Memphis, the servant of "Ptah who creates the works of art,"[3] was really chief of an Egyptian "Board of Industry," like the Chinese department of public works described in the Chow-Li. The natural sense of his title is "Chief leader of the artists or craftsmen," or "of the work," and the chief priesthood may have been associated with the presidency of the one of the "Six great houses" alluded to in ancient texts, corresponding to the Works Department. Whether evidence in support of this conjecture proves to be forthcoming or not, it is clear that the leading members, even of mechanical callings, took rank with at least the middle grades of the priesthood and the bureaucracy.

With regard to the rank and file of the industrial population, we are enabled to fill in the shadows from the well-known papyri on the Praises of Learning. These are school or academic exercises intended to encourage students in the pursuit of learning by dwelling on the material advantages of the position to which a knowledge of letters is the key.

## § 3. The Praise of Learning.

A MS. apparently belonging to the reign of the second Rameses, of which the composition is referred to the Twelfth, or even to the Sixth Dynasty, enumerates all the different industries and their attendant drawbacks, with details which cannot be omitted in any complete picture of Pharaonic civilization.[4] The writer passes in review the life of the blacksmith, gasping with the heat of his forge, malodorous in person, with hands like a crocodile's skin; the carpenter tilling toilsomely a barren field of wood; the stone cutter who seeks employment in hewing the hardest stones, and is rewarded with broken knees and back. There is the barber who wanders from street to street in search of clients, and "wearies his hands to fill his belly;" the little labourer "having a field," is beaten with a stick upon his legs; the perilous existence of the builder is described with graphic touches, perching on scaffolding and making his nest in

[1] Erman, ii. p. 603. [2] *Ib.*, p. 610. [3] *Ib.*, p. 393. [4] *Records*, viii. 147.

slings, he is far from the wholesome food and water of earth; the gardener's hands are at his neck, seeking to lighten the burden of two heavy yokes, morning to night he must manure and water, first one crop and then another; the farmer's clothes are never renewed; the courier going to foreign parts bequeaths his goods to his children for fear of beasts and Asiatics; the fowler suffers from uncertain sport; the domestic weaver is "more wretched than a woman, his knees are at the place of his heart, he has not tasted the air," and moreover he must do a full task or bribe the porter with bread to let him return home; "what the shoemaker bites is (only) leather"[1] (that is to say, after piercing his stubborn material with an awl, he has to pass the thread through the hole and draw it out with his teeth); the maker of weapons, the dyer, the sandal-maker, the washerman, who is "neighbour to the crocodile," and the fisherman, are no better off. "Consider there is no employment destitute of superiors, except the scribe, who is the first, for he who knows letters, he then is better than thee." The unlearned, whose name no one knows, is like a heavily laden ass, and the scribe is his driver; he who has set knowledge in his heart is chief over every work and becomes a wise prince; the learned man eats his fill because of his learning, even the College of Thirty and the post of ambassador are within his reach, while the goddess of fortune turns her back upon the hater of books.

The woes of the labourer or farmer are described more particularly as equalling the hard case of one who is "selected" (*sc.* for forced labour); and the natural hardships to which the husbandman is exposed are dwelt upon frequently; "locusts drawn up to plunder, Nile water too low and wells dry;" or again: "The worms have taken one half of the food and the hippopotamus the other; many mice were in the fields; locusts have descended on them; the cattle have eaten and the sparrows have stolen; what was left upon the threshing floor, thieves have made away with. Then the scribe lands upon the bank and demands the crop, his companions carry sticks and the negroes palm rods; they say, 'Give corn,' there is none there. Then they bind him and beat him as he lies, they cast him into the canal and his head goes under; his wife is bound before his eyes, and his children put in chains; his neighbours flee to save their corn." Or in another version of the inexhaustible theme: "Hast thou not considered the estate of the husbandman? Caterpillars, rats, beasts, crows, and sparrows devour his crops; he has to keep watch against thieves, his horses die, his ploughshare rusts, the tax-collector waits for the gathered sheaves." All callings are toilsome, only "the scribe is released from labour, he is the manager of all businesses;"[2] or, to use the phrase which describes the way that all businesses are managed, "he alone is sent to perform commissions."

It may be noted that some of these phrases are evidently part of the rhetorical stock-in-trade of the literary class. Thus in the Instructions of

[1] Cf. *Tomb of Rekhmara*, p. 52 and pl. xv., where the act is portrayed.
[2] C. W. Goodwin, *Hieratic Papyri*, p. 251. *Cambridge Essays*, 1858.

Amenemhat the description of general tribulation includes the features "locusts drawn up to plunder, water low and wells dry," as evils not affecting only one class of the population. Indeed, considering how artistically the shadows have been heightened in this picture of the woes of all who are not scribes, we are not obliged to draw from it conclusions adverse to the generally accepted view as to the cheerfulness and prosperity of ancient Egypt.

With the exception of a few abuses which were kept on the whole fairly well in check, the eulogist of letters is obliged to prove his point by representing manual labour as an evil in itself, and it is a happy state in which the masses have no worse evil than this to complain of. Even the scribe did not find the processes of development quite painless, for his teachers mingle warning with encouragement. "A young man has a back; he hears when he is beaten;"[1] and we may even conclude, from the pains taken to recommend the calling of the scribe, that its superior attractions were not so self-evident as to make all young men eager to embrace them. The profession was not over-crowded, because the average youth found it easier and, on the whole, pleasanter to follow the humbler, if less honourable paths of industry, which required a less arduous initiation.

### § 4. Manufacturers and Apprenticeships.

An hieratic papyrus of the Louvre,[2] supposed to belong to the Eighteenth Dynasty, shows a rather surprising development of the manufacturing system to have taken place at that early date. A scribe complains to the director of a flax and linen factory that one of his operatives has been taken from him and given to another foreman. The change had been made at the request of the girl's mother, who accused Ahmes (the scribe) of keeping her on as an apprentice without pay, after she had learned her business, in order to retain the value of her work himself. The scribe replied that the apprentice did not yet know the trade. The letter is incomplete, and so we do not know how the dispute was settled; it shows, however, that besides the smaller domestic workshops, factories existed, which were managed on the same system as the ordinary agricultural operations. Very possibly such a factory did not do more than make up the flax produced upon a single estate;[3] but the employment of girls as wage-earners at such a date is significant of the independent and unsecluded life of women, and the controversy about the apprentice shows that the system, largely used in Babylonia, was also familiar in Egypt.

It was common for masters to apprentice their slaves, and parents their children, to persons engaged in trades, under agreements varying according to the difficulty of the trade in question. Sometimes the work

[1] Maspero, *Du Genre Epistolaire*, p. 148. Erman, ii. p. 443.
[2] Devéria, *Catalogue*, p. 192.
[3] In China, at the present day, it is common for a landowner who grows silk or cotton to have both a factory for the production and a shop for the sale of the manufactured article.

of the apprentice was considered as an equivalent for his maintenance, sometimes it was paid for separately, and a fee for tuition charged besides; but more commonly it was stipulated that the master should be allowed *gratis* so many months' work after the apprentice had learned the trade. Such frauds as that of which Ahmes was accused were guarded against by the stipulation of penalties if the trade were not properly taught within the usual time. These agreements were much commoner in Babylonia than Egypt; but as the latter country always had manufactures enough for her own use, if not for foreign commerce, some such system as that indicated in the Louvre papyrus must have grown up as soon as the whole of the country had become fully settled.

One of the many crimes of which a certain Paneba was accused[1] (in the reign of Seti II., Nineteenth Dynasty) was that of setting men to keep cattle, and women to weave stuffs for him, without right; and the juxtaposition of the two employments seem to show that both were incidental to the management of landed property—both, in fact, services which a master was entitled to expect from his ration-eaters, but not voluntarily rendered by independent labourers to persons without recognised authority.

The large estates of the ancient Empire bore a comparatively scanty population, and included, besides the cultivated area, a considerable amount of reclaimable wastes then only used for sport. With the subdivision of these estates, cultivation became more exhaustive, and, no doubt, different properties came to produce different staples. The rule was still for the country gentleman to grow a little of everything on his own lands, for his own use; but the owner of an estate consisting, for instance, principally of flax fields, would have a factory for its conversion into linen, just as the ordinary farmer converted his corn into flour, or his sesamum seeds into oil. Whether the existing manufactures were carried on upon a larger or a smaller scale, the *modus operandi* was probably always the same, and the occasional existence of a factory does not warrant us in assuming the existence of a class of manufacturers; that is, of a special section of the employing class, standing to the artisans of the country in the same relation as the great landowners to the cultivators working on their estates. Trades were in the hands of poor freemen, not of slaves, and this by itself shows the industrial economy of the country to have had more in common with that of modern China than of ancient Italy or Greece. Late Greek papyri show that other Egyptian trades besides the undertakers were organized in guilds, which paid their taxes collectively, and no doubt looked after the conduct of their members in relation to each other, and to their customers; and these organizations are far more likely to represent ancient native custom than foreign innovation.

[1] *Plainte contre un malfaiteur.* Birch and Chabas. Chabas' *Mélanges Égyptologiques*, 173–246, also published separately by the Society of Biblical Archæology.

## CHAPTER IV.

### *CASTE AND DESCENT.*

THE whole fabric of Egyptian civilization and society is so uniform, so simple, and yet so massive, and, like the monuments of its art, so calmly impenetrable to decay or change, that it is particularly difficult to deal analytically with its different aspects and elements. As botanists tell us that every plant is an arrangement of more or less variously modified leaves, so, in the land of the papyrus and the lotus, every relationship seems intended to reproduce the state of friendly sociableness or affectionate utility which is the essence or condition of domestic happiness; and the information to be gathered from existing sources, respecting laws, religion, custom, and history, is so mingled together as to make it doubtful whether any one of these can be understood alone.

Questions as to the ownership of land in Egypt have been mixed up with theories as to the privileges of priests and soldiers, which form a part of the general problem as to the existence of hereditary caste; and the views taken on this point have, in their turn, an important bearing on the history and position of the monarchy. The rule governing the succession to the throne is connected both with the political and the family organization, and the provision actually made for the priesthood and the military class touches both the industrial and the administrative system; so that no arrangement of topics can altogether do away with the risk of repetitions and anticipations.

The question whether anything answering to what we now call caste existed in Egypt has been discussed at rather disproportionate length. The Greek authors, who are quoted to prove that occupations were hereditary in Egypt, of course knew nothing of the strict caste system of later India, and certainly did not mean to assert that such a system existed in Egypt. And, in fact, in the words of Dr. Birch: "The keystone of caste, the limitation of marriage to women of the same order, is unknown to monumental Egypt." [1]

In general, legislation in restraint of private conduct is at a minimum in States of the Egyptian type; positive customs abound, and are observed

[1] Cf. Gardner Wilkinson, *Manners and Customs of the Ancient Egyptians*, i. 159. In India, the words for caste have two senses, denoting respectively "colour" and "birth;" but Dr. Birch's phrase is justified, because the strongest examples of caste feeling are met with, when a supposed superiority of race shows itself by the peremptory exclusion of marriages of disparagement for the women of the superior stock. In the discussion of Brahminical claims by the Buddhists, we find the sentence: "I do not call one a Brahman on account of his birth or of his origin from (a particular) mother." But when, as in the Ambattha Sutta, the Buddha is made to claim actual superiority over Brahmans for the warrior caste, he rests it upon the greater strictness of their marriage

with singular and spontaneous uniformity; and foreigners, noticing the general course of conduct correctly, may be forgiven for assuming it to have been dictated by law, especially when it was such as would certainly not have been enforced without penal sanctions in their own country.

The population in Egypt was divided into several classes, and in any simple conservative community the usages of different classes are clearly defined and distinguished by custom without the help of law. Caste certainly does not exist in China, yet native and foreign authors of various dates have described the population as divided into classes, and take for granted that sons succeed their fathers in the calling of their class. The occupation, for instance, of particular streets or quarters by artificers of the various kinds was said to be recommended on the ground that boys will learn their father's trade more easily for seeing that, and nothing else, constantly practised all round them.[1]

In India the obligations of caste have become so numerous and burdensome, that their observance can only be kept up by a belief in supernatural penalties, but the religion of the first historic nations was in many ways rationalistic, and its observances were not suffered to become onerous. It was characteristic of the easy-going Egyptian temperament to waive so much of the customs of caste as imposed an obligation, and only retain as much of them as constituted a privilege. Though the monuments tell us little about the duty of a son to follow his father's calling, they are eloquent about his right to enter upon his father's emoluments, and to "sit in his seat,"—or in that of the father of his mother, should that happen to be the more valuable privilege In all classes alike, it was the rule for the son to *wish* to have the means of exercising his father's calling; to do so was a right rather than a duty, whether it was a question of building temples for the king or burying the inhabitants of a district. Every occupation was, in a manner, established and endowed with customary emoluments; and the heir to any definite place in the industrial world might be said to inherit "a living," in the same sense as the son of a beneficed clergyman who is his own patron. Occupation was hereditary in Egypt, in just the same way as property; and in spite of the scribes' libels on the life of labour, we may conclude that this inheritance was habitually claimed

law, the son of a Brahman, by a Khattiya woman, or of a Khattiya by a Brahman woman, may eat, study, or marry with Brahmans, but Khattiyas will not anoint the son of either of those marriages to Khattiya rank—in the first place, because he "is not born on his mother's side," and in the second, because "he is not born on his father's side." Whence Gotama concludes the Khattiya to be superior in rank, so far as that rests on the law of marriage and descent, though "the man of perfect conduct and knowledge is best among gods and men." (*Buddhism*, by Bp. Copleston, p. 234 ff) A Brahman might marry a woman beneath him in caste, and a Kshattiya might not even marry one above him—if such there were So that the warrior caste is the real stronghold of caste feeling, by its insistence on pure birth on both sides And in this context it is interesting to note that the earliest mention of the Dravidians (among whom the principle of female descent is so strong), in Manu and the Mahabharata, calls them Kshatriyas, not Sudras. (*Caldwell's Dravidian Grammar*, p. 111)

[1] In Abydos, a special quarter or district was occupied by painters and sculptors, and the "district of workers in copper" is also mentioned. (*Rec. de Trav*, xi. p. 31.)

because of its possessing some tangible value, as if the poorest classes had a vested interest in life.

The national customs regarding inheritance are so closely interwoven with the theory of descent, that it will be convenient to examine the latter first. The original rule of Pharaonic succession seems to have borne a close resemblance to that of the Incas. The essential thing was for the prince to be of the royal blood on both sides, and if there was no other way of securing this, the king must marry his sister; he was not obliged to do so under all circumstances, but the frequency of the practice seems to point to its having been preferred as giving the utmost directness to the royal line of descent. The son of a king who had married a stranger or a subject was not strictly legitimate, and sooner or later his descendants were driven to rehabilitate themselves by a royal marriage, the offspring of which again would be fully legitimate. A prince who reigned in right of his royal wife was also not regarded as a legitimate king, and though his authority might be fully recognised *ad interim*, it was for his interest to associate his son with himself upon the throne as soon as he could. The legitimacy of such a son was unquestioned; and as the father could not transmit a better title than he possessed, this fact by itself shows that royal descent on the side of the mother was alone absolutely indispensable.

If Khufu and Khafra were each sons of their predecessor, they must have married their sisters, for their wives are described as daughters of the king. Nearness to the royal person gives the highest title to distinction, and the queen's rank is therefore the more exalted, the more numerous the relations in which she stands to the king. The king's wife takes precedence of the king's mother, and the royal mother, daughter, and wife, who is also royal sister, ranks higher than one who is only daughter, wife, and mother, because she stands in one more relationship to the head of all humanity. As "royal sister" was regarded as an honorific title for the queen consort, it is, however, possible that it was given, like the title of "eldest" or "royal son," when not literally deserved, so that unions of this kind may have been somewhat less numerous than they seem.

The Pharaohs were before everything native princes, and the same theory of inheritance runs through the population. The sister-marrying is not, as with the Incas, a custom of the royal family alone; indications of it are frequent in private tombs and romantic papyri, and it is often associated with ideas of inheritance. In the stele of Iritisen, the members of the family enumerated are the deceased artist, his wife, two sons, then another son and daughter, and *their* son; and it is significant that in such a list the son of the incestuous marriage should be the only descendant of the second generation named. The artist himself is described only as "son of the lady Ad." Two stone cutters employed in the quarries at Hammamat in the reign of Amenemhat III. were accompanied by their "sisters," who must certainly have been their wives;[1] and either from choice or policy, each of the four kings Thothmes seem to have been similarly wedded.

[1] Erman, p. 221.

In the *Lamentations of Isis and Nephthys*, the goddess calls upon Osiris: "Come to thy sister, come to thy wife, I am thy sister by thy mother!"[1] as if to emphasize the distance between the Egyptian point of view and the Hebrew or Athenian feeling, which tolerated marriage with a half-sister on the paternal side only. "The sister who is in thy heart, who sits by thee;" "thy beloved sister with whom thou delightest to converse," are frequent expressions evidently to be understood of the wife and lady of the house, and in amatory poetry the word sister is used as synonymous with beloved.[2] Of course when this association of ideas had become firmly established, a beloved one who was not a sister might be called so nevertheless; but the two phrases could not have become interchangeable unless such marriages had been common to begin with.[3] Judging from the monuments, they were less common anciently than during the decline and fall of Egypt, when two-thirds of the inhabitants of Arsinoe were said, during the reign of Commodus, to have married their sisters.[4]

We do not know whether the custom was restricted to half-sisters or to cases in which the sister had special hereditary rights, either as eldest child or as daughter; but it probably originated with some such motive, the object in view being to give to a son rights or privileges which went normally to a daughter's husband. The son of such a son-in-law constantly figures as the heir of his mother's father; and if he has to go to the wars, it is in the hands of his grandfather that he leaves his property. It seems even to have been a stock jest, that the father of a son and daughter, who wishes to follow the custom of marrying both to the children of a man of his own profession,[5] can best ensure this by marrying them to each other. It is difficult to account for this curious development in Egypt of usages which were either unknown or abhorrent to nearly every other nation, and yet there must have been some reason for the introduction and tolerance of this one flaw in the otherwise admirably conceived organization of Egyptian family life.

There are two strongly marked features in that organization which seem to lie at the root of the later family law—the importance attached to primogeniture, and the importance attached to descent in the female line; and nearly all that is peculiar in Egyptian institutions may be traced to the working out of these two principles conjointly. In all ancient inscriptions it is the rule for the person commemorated to be described as his mother's

[1] *Records*, ii. 117.

[2] "Tale of the Garden of Flowers." (*Records*, vi. 156.)

[3] A Nineteenth Dynasty scribe is represented with his mother and "his sister who loves him," who has the same name as the wife depicted in another place (Déveria, *Catalogue*, No. 3,068), and in genealogies it is common for a sister to be mentioned in remoter generations. A sister of the great-great-grandfather (? his wife) is mentioned when the ancestors of a man are given for seven generations. (*Inscr. inéd.*, Paul Pierret. *Études Égyptologiques*, livr. ii. p. 53.) Cf. also Lepsius, *Denkmaler*, ii. 16, where King Senoferu is accompanied by "his legitimate eldest daughter N. K., whose brother (is) the minister N."

[4] Erman, *Ag.*, p. 221.

[5] "Tale of Setnau." (*Records*, iv. 129.) Even of the modern Egyptians it is observed by Lane that "very often a father objects to giving his daughter in marriage to a man who is not of the same trade or profession as himself;" but this is, of course, a very different thing from its being illegal or irreligious for him to do so.

son: "So-and-so, born of So-and-so," or as the phrase is commonly rendered in English versions, So-and-so, whose mother is So-and-so. Out of one hundred funeral papyri, described by M. Devéria,[1] in which the name and titles of the deceased are preserved, there are sixty-one in which the mother only is named, four in which the father only is named, and seventeen in which neither parent is mentioned. In one the deceased woman is only described as wife, her husband's father being named also, and in one the mother and sister (? wife) of the deceased are mentioned and portrayed. Thus in seventy-seven cases the parentage is known on the mother's side as against twenty on the father's. The proportion is not very different in the earliest of these documents, which go back to the Twentieth, Nineteenth, and Eighteenth Dynasties, as in seven cases out of ten the mother is mentioned, and in the remaining three neither parent; and in inscriptions of the Ancient and Middle kingdoms, it is the uniform practice to give the mother's name alone.[2] The king of Egypt was regarded as the divine son of heaven and earth, but the earliest inscription met with on a royal coffin traces the king's divinity to his mother: "Osiris Men-ka-ra, king of Upper and Lower Egypt, ever living, heaven begat thee, Mut conceived thee, thou art of the stock of Seb" (Mut is the heavenly ocean, and Seb the earth) . . . "*thy mother grants it thee to be a god*,[3] henceforth thou hast no enemies."

In seven out of the hundred papyri, instead of the simple formula "born of So-and-so, the mother is described as the Lady Such-an-one;" while in one a "royal son" is described as born of a woman, named without honorific titles of any kind. More often than not, when both parents are named, the mother is described as "lady of the house;" and it is possible that in the twenty-four cases in which both father and mother are named together, the deceased was in some more particular sense *fils de famille*, that is to say, the child or heir of an eldest child or head of a family. But the

[1] *Catalogue du Louvre.*

[2] In the genealogy of Rekhmara, his mother and *her* father are first named, and then his own father. (*Mémoirs de la Mission Archéologique Française au Caire*, vol. v. *Tombeau de Rekhmara*, by Philippe Virey, 1889.) Egyptologists could supply evidence *ad infinitum* on this head, of which a few samples must suffice. The genealogy of the Court architects begins with a mother. Amen says: "I was held to be my mother's son, no other contested it with me," and he commemorates his *eldest grand-daughter* along with his wife and son" (*Records*, vi. 1). The king is said to have reigned while still unborn "with all the dignity of the child of an hereditary princess" (Erman, p. 110). Cf. also Pierret, *Inscrip. inéd.*, ii. 33; viii. 98, 135. Stele of the Coronation (*Records*, vi. 76). For the important and interesting genealogy of Khnumhotep, see Brugsch, *Geograph. Inschr*, i. 115, Maspero, *Rec. de Trav.*, i 161 ff., Newberry, *Beni Hasan*, i. 76 ff. The phraseology of the Book of the Dead points in the same way (Pierret, xxx. 1), "Mon cœur qui me vient de ma mère;" lxv. 2, "L'individualité qui me vient de ma mère;" *ib.* 34, "Mon cœur de ma mère." And there is an incidental allusion to the heirship of daughters—or of sons from their mother's father—in Ani's warning, apparently addressed to an eldest son as householder, not to say of his house: "This comes to me from the father of my mother" (so Brugsch and De Rougé, whose version here seems preferable to that of Chabas), for it has to be shared with his brothers, and only part falls to his own lot. Finally, in the Praise of Learning, we find among other proverbial expressions, "Ignorance of his mother is his name,"—used to denote the abyss of degradation reached by the field labourer.

[3] Wiedemann, *Äg., Gesch.*, p. 192.

frequency with which such heirship is dependent on the mother's family makes it almost impossible to doubt that descent was originally traced in the female line in Egypt, though there is an enormous gulf to traverse between any society, in which we know of or can imagine the prevalence of this rule, and the most ancient social state known to have existed in Egypt.

The strict principle of Mutter-Recht, or female descent, obtains without inconvenience among the Australians or North American Indians, because the consequences of relationship are mainly theoretical. This system gives a man his sister's sons instead of his own for heirs, and makes the clan or tribal connection outweigh that of the family; and when the family is loosely organized, and the head of it has little to bequeath,—when in fact he cares about equally for sons and nephews, and the sons have no experience of the enjoyment of family property, which might make them resent the loss of it,—no one has a strong interest in modifying the traditional usage. But when family life had been established on a civilized footing, when family affection had become not only strong, but self-conscious, and the natural communism of affectionate families had come to embrace the seasonable crops and ordinary tools by which industry secured abundance in the Nile Valley, it was impossible that the transmission of property should be allowed to take a different line from that traced by natural affinity. As a mere matter of genealogy, the habit of tracing descent through the mother might survive; but if the father had property to bequeath, the ancient Egyptian, we may conjecture, ceased to ignore his paternal ancestry, and claimed descent from his father as well as, or even sometimes instead of, from his mother.

There may have been some prehistoric interval during which family property existed, but was transmitted exclusively, as descent had been reckoned, through women; and the existence of such a period would help to explain the deep roots which sister-marrying had taken in Egypt. It would also account for another inveterate eccentricity; namely, the mania of Egyptian husbands (as M. Revillout calls it) for abandoning all their property on marriage to their wives. If by ancient custom sons and daughters inherited from their mothers only, a father wishing to bequeath his property to his children, or rather to ensure its passing to them as a matter of course on their parents' death, may have found it easiest to execute a deed of gift to his wife, which would have that legal effect in the future, and for the present, no doubt, leave the practical communism of a united household unchanged.[1]

So long, however, as property could be inherited from the mother only, the father can have had comparatively little to bequeath,—nothing, that is, except his own personal earnings or accumulations. Still, except in a purely pastoral community, such earnings form an appreciable proportion of the family property, and had it been usual for them to pass from father to son, the importance of the maternal inheritance would have gradually

[1] Cf. the marriage law of the Nairs; *infra*, Book iii. ch. x.

diminished. It is entirely at variance with European ideas and precedents to suppose that all such property should pass, not from father to son, but from father to daughter; yet the consistent application of accepted principles of law has often led since to results as remarkable, and perhaps more injurious. Evidently, so long as it continued to be the custom for children to inherit from their mother, any father, who wished to provide for his children and their descendants, would naturally endow his daughters himself, and arrange a marriage for his sons with the daughters of other wealthy fathers. Such a way of providing for a family is just as effective as the opposite and not more unnatural; and there are certainly reasons for believing it to have once prevailed in Egypt.

As already observed, when either parent of a person referred to in the inscriptions is mentioned, it is usually the mother; but if the reference is carried a generation further back, the chances are that the mother's father will be named. It was usual to call a son after the mother's father and a daughter after the father's mother, so that four names frequently alternate in successive generations. Under the Greeks it was the rule for the eldest son to be named after the paternal, and the second after the maternal grandfather, and the daughters similarly after their two grandmothers, but this may have been a comparatively late development of the really primitive national usage. Claims to inherit "from the father of my mother" are common in all periods, and as will be seen, the history of the country was seriously affected by the application of the principle to the royal succession. But it is doubly improbable that the right of women to transmit, to their sons, offices which they did not exercise themselves should have been recognised, unless their right to transmit hereditary property of a more ordinary kind had become fully established first.

Opinion in Egypt, as in China and the Basque provinces, seems not to have been favourable to the progressive concentration of property in the hands of a single family, and it is probable that the marriage of brothers and sisters was only resorted to, if the daughter's inheritance included some office, which her brother was qualified or entitled to fill, or if the whole inheritance of both parents was insufficient to do more than give to one married couple the same position as their parents had. In later times the inheritance of both parents was divided equally amongst all the children, but in very primitive states of society the increase of population is slow, and the Egyptian tolerance of incest would certainly not tend to accelerate it. On the average, therefore, there would seldom be more than three marriageable children to a marriage, and seldom less than two heirs to each married couple, since nephews and cousins could always take the place of children in that capacity.

In historic Egypt the legal right of children to inherit from their mother and their natural right to inherit from their father were recognised together, though the former was to some extent modified by the latter. The right of the children to inherit from both parents had a different history and dated from different periods; but when both were established, it is not to

be supposed that either parents or children distinguished between the two. The substantial fusion of the two claims must have begun with the institution of civilized monogamy, which, like so much of the moral furniture of the Western world, probably had its origin in ancient Egypt or Chaldæa. But the peculiarities of the later marriage law preserve clear traces of the long process by which the practical result of simple equity was arrived at. In fact, just because the oldest customs were at a very early period adapted to the practical convenience of the people, they were allowed to retain permanently peculiarities of form, which now enable the student of comparative law and custom to frame a tolerably clear estimate of their history.

When we come to examine the details of Egyptian customs relating to marriage and inheritance, we shall see some reason to believe that, with or before the dawn of history, the Egyptian married pair succeeded to the place of the prehistoric mother, at least so far as the hereditary rights of children were concerned. It seems probable that the union entered into with an established wife carried with it some proprietary rights, and perhaps even made the wife, as such, so far joint owner of the family property as was necessary to enable her to transmit it to the children of the marriage. In the course of centuries or rather of millenniums, so much of this arrangement as turned upon a legal fiction would pass into disuse. But we shall best understand the reasonableness of the later institutions, if we realize that they date, in all human probability, from a time when the ideas of marriage and paternity were new and that of the inheritance of children undeveloped.

In really primitive communities, when a man dies, his property is either destroyed or divided among his fellow tribesmen. To claim to bequeath it to his children might only have the effect of obliging them to fight for it, with all the advocates of the "good old rule."[1] Hence the first motive for a donation *inter vivos*, which should make the family property belong to the desired heir, so long before his father's death, that the neighbourhood might form the habit of recognising his ownership. In this way the father looks upon the endowment of his son, not as a despoiling of himself, but as a successful assertion of his own intention.

As was natural, the archaic point of view was retained longest in regard to the most abstract rights of inheritance, like the succession to the crown; where the wish of the parents was a comparatively subordinate consideration, and the claim of the lawful heir in the eyes of gods and men was independent of such wish. Two important consequences followed from the application of the native theory of inheritance to the royal and noble families of Egypt. When power and office, instead of passing exclusively from father to son, pass by at least as strong a right to the son from his mother's father, no generation could feel itself independent of royal favour; for the claimants have no natural vantage ground enabling them to do without it. The growth of a powerful hereditary aristocracy was thus

[1] Cf. *The Melanesians*, p. 63. R. H. Codrington, D.D., 1891.

discouraged, and so far the position of the monarchy was strengthened and the political tranquillity of the country secured. In China, which abandoned the principle of female descent in prehistoric times, powerful nobles might set up as independent rival kinglets, the ablest of whom could at any time wrest the empire itself from what were thought weak or unworthy hands. In Egypt, though the hereditary princes might be more or less independent of the royal authority, under ordinary circumstances they made no attempt to encroach upon each other's territory. Apart from royal appointment, the son of a hereditary lord, who married the daughter of a neighbouring prince, was content to accept her inheritance and let his father's pass to another child. Marriage resulted in a domestic partnership, not a political alliance; and the same temper which discouraged the growth of strong class feeling among the common people, prevented the formation of rival parties in the State and the concentration of political influence in fewer and stronger hands. But the same cause which diminished the danger of internal rivalries and rebellions increased the chances of foreign conquest.[1]

Any usurper, conqueror, or invader could create a legal title for his son by marrying a daughter of the ancient kings, and by this trifling concession the allegiance of the docile population was practically ensured. By this means dynastic struggles lost some of their bitterness, and the chance of civil war was reduced; but in this way too the nation began to form the habit of submitting to alien rulers, provided only they were content to wear the mask of the Pharaohs. Shishak, the sixth of a line of princes of Ma, who founded the Twenty-second Dynasty of Bubastis, describes his father Nimrod as the son of Mehat-en-susekh (an Egyptian princess), and the phrase clearly shows that it was through her that he claimed the crown of Egypt.[2] He himself married the daughter of Pisebkhan, a usurper, reigning at Tanis, whose wife was a lady of Thebes, descended from the alliance between the heir of Rameses and Hirhor. A very important inscription by Shishak or his son Sargon reinstates this Egyptian princess, Karamat, in the possession of all her hereditary property in the southern land, of which political events had probably deprived her. Everything is to be restored into her hand and into the hand "of her son and of her grandson, and to her daughter and to her granddaughter, *the child of the child of her daughter*,"[3] an expression which is clearly a formula of legal enumeration, but of course only the more significant on that account. In the same way, according to Herodotus, the Egyptians claimed Cambyses as belonging to them, declaring that he was the son of Nitetis, a daughter of Apries, whom Amasis had sent in

[1] Rawlinson's *Herodotus*, ii. 165, n. 1 (by G. Wilkinson).

[2] Brugsch, *Hist.*, ii. 197. E. Meyer, *Geschichte des Alten Ægyptens*, p. 330.

[3] *Ib.*, ii. p. 205. Cf. Euting's Nabatæan Inscriptions: *post*, Book iii. ch. viii. Among degrees of relationship mentioned in Egyptian texts we find (Brugsch, *Hierog. Dict.*, iv. 1151), "Son of the sister of the mother of his mother," *i.e.*, great-nephew on the maternal side, "daughter of the sister of her mother," and others as to which the copiousness of the vocabulary is itself significant.

marriage to the king of Persia, in place of his own child. And we may the more readily trust Herodotus' report of this perversion of history on the part of the Egyptians, because he clearly does not understand their purpose in it. It is a fiction that would only have been originated where such a way of legitimatising conquest was recognised and familiar.

The yoke of the foreigner was also made easy to the Egyptians by the eagerness of the conquerors to adopt the manners and customs of their new possession. It is strange to find the Ptolemies, as well as Cambyses, hastening to adopt the Egyptian law of incest; but their naturalization was almost as complete as that of their Semitic predecessors. Cleopatra is an Egyptian, and the mysterious charm of Egypt and Egypt's queen might have enslaved even Romans. An Anthony would have been content to occupy the throne of the Pharaohs; a Cæsar was needed to overthrow it even in the last years of its decay, accelerated by the influx of irreverent Greeks,—eager for learning and for gain, but pursuing both in ways unknown to and irreconcilable with the social order of the Egypt of the Egyptians.

A theory of descent which had the effect of legitimating foreign conquest must have been strongly rooted, in the native customs and traditions of the past, to have survived such a damaging application; and in fact the right of the royal wife's eldest son to inherit the throne is recognised in a variety of ways all through the historical period. The earliest title borne by Egyptian chiefs is one indicating that its bearer claims his rank by inheritance; to be "descended" is almost synonymous with being a prince.[1] The laudatory titles, with which the royal inscriptions begin, often describe the sovereign as ruling from even before his birth; and the frequency with which the reigning sovereign associated his son with himself seems to show that the rights of the heir in Egypt did not necessarily begin with the decease of his predecessor.

The partnership which, as will be seen hereafter, existed between the father and his lawful first-born in private life, was probably recognised more or less by the kings as well as by the general family law of the country. But the association was most necessary, and effected at the earliest age in the case of sons whose title was better than their father's; and this was naturally most often the case with the founders of new dynasties, long before such a character was assumed by foreigners. The partnership between husband and wife, which is also a feature of Egyptian family law, probably furnished the step by which the association of the two theories of descent was effected. The king succeeded to his father's office in virtue of his mother's blood.

The law ascribed, according to Manetho, to Bainuter (Binothris), a king of the Second Dynasty, allowing women to inherit the throne, can

[1] The word read *erpa* or *ropa*, and rendered hereditary prince, has this sense. Sibou, the father of Osiris, and therefore presumably an ancient deity, is called *ropa noutirou*, *ropa* of the gods, whereas Amon of Thebes is *Suten* = King, which, as M. Maspero points out (*Journ. As.*, 8th Sér., xi. p. 265), suggests that there was a time when the *ropa* was the highest dignitary known.

hardly have had exactly that object, as queens regnant are not frequent in Egypt. It may be that the earliest rule of succession was peremptory in requiring the king to be of royal descent on both sides, and that the innovation lay in the discovery that a dynasty need not become extinct, for want of a son to inherit the crown, since the daughter (who, failing a brother of her own, would certainly marry some one else) could reign, in her own name and right, with her husband, and leave a legitimate heir.

It is a curious question whether, in those cases where the king was undoubtedly married to his sister, the latter was the elder child and therefore better entitled than he to the inheritance. Such marriages are neither the rule nor the exception, and it is difficult to see why they should have occurred as often as they do, if they were in no way obligatory. They occur in fact about as often as might have been expected, supposing the motive for them to present itself five times out of ten, and to be even then frequently overruled by other considerations. There can be little doubt that the famous queen Ramaka Hatasu, who was appointed by her father, Thothmes I.,[1] co-regent with himself, was considered to have some more legitimate title to the throne than either Thothmes II., the brother whom she married, or Thothmes III., who was associated with them in the government, apparently in default of children of their own. In this and similar cases the superiority must either have lain in the bare fact of sex, which is not probable, since a son is as near a relation as a daughter to their mother; in age, which is possible, in view of the civil rights of elder children among the common people, but not as yet proved from the monuments; or in legitimacy, which was certainly the true explanation, when, as between Hatasu and Thothmes III., the daughter was, and the son was not, descended from a mother, herself of royal rank.[2] The only reason for doubting the universal application of this last cause is that the king could usually have provided a son as well as a daughter with a royal mother, if that and nothing more were needed to secure the succession. The earliest monuments show us sons inheriting from their fathers, and we therefore find it impossible to believe that, in the Twelfth and the Eighteenth Dynasties, the title to the crown could *only* pass from a mother to a daughter; yet in both those important periods it certainly seems to have been considered essential that either the king's mother or his wife, if not both, should be lineally descended on both sides from their legitimate predecessors. The persistency of such a merely sentimental rule is a strong presumption in favour of a former state of things in which both inheritance and descent were counted exclusively in the female line.

To quote only a few of the cases in which Egyptian kings associate their sons to improve their own titles, or marry wives who may improve

[1] The wife and sister of Thothmes I. bears the title *erpa*, equivalent to royal heiress.

[2] Hatasu is given a throne name in an inscription of her father's, so she reigned with him, before marrying and reigning with her half-brother, Thothmes II. They had a daughter, who became "heiress princess," and Thothmes III. was married to her.

their sons':—The founder of the Twelfth Dynasty, Amenemhat I., associated his son Usurtasen in the government while the latter was still a child; and in the "Instructions" addressed to this prince, he speaks of enemies who "took advantage of thy youth for their deeds," as if the king needed his son to be of age to strengthen his hands: he speaks also of being "assaulted by seditions in the interior of my house;" and in the story of Saneha we find the Egyptian fugitive asked by his Syrian hosts if there had been an unexpected death in the palace obliging him to leave his own country, as if it was a matter of common fame with either historians or romancers that the founder of the dynasty had had to fight for both life and throne. Saneha, on the other hand, shows his loyalty by speaking of Usurtasen as the "king who has governed from before his birth," a formula indicating legitimacy; and throughout the Twelfth Dynasty the association of the son seems to have been the rule.[1] In the Thirteenth Dynasty, the succession frequently passed through princesses, the first king of it, as was frequently the case in a change of dynasties, being supposed to inherit from his mother.[2] Most of the kings of the dynasty have names derived from hers, notifying that they were worshippers of Sebek, the god with the head of a crocodile.

The "beautiful companion of Aahmes," the founder of the Eighteenth Dynasty, also occupies a very prominent place in the monuments and genealogies of the dynasty. After her husband's death she appears as queen regnant, not merely as co-ruler with her son (Amenophis I., who married a sister named after his father's mother); and the great kings of the Nineteenth Dynasty frequently include her among the group of ancestors they select for more especial respect or adoration.[3] It is rather difficult to account for the importance of this lady, as she is generally represented in the monuments coloured like an Æthiopian, instead of in the light yellow shade common for Egyptian queens.[4] Aahmes himself was not only a successful soldier, but of royal birth, son of a king and queen of the Seventeenth Dynasty, the latter of whom was the object of much veneration; it was therefore not particularly essential for him to marry a royal heiress, though the quite special honours accorded to Nofert-ari-Aahmes, and the fact that Aahmes counts as the founder of a

[1] Amenemhat IV. married his sister, who was co-regent with him. (Wiedemann, *Æg. Ges.*, p. 256.)

[2] Maspero, *Histoire*, p. 123. A queen Sebek-nefer-ra reigned first as consort of her brother, the last king of the Twelfth Dynasty, and then alone; it was either through her or a lady of similar name and descent that the Twelfth Dynasty kings claimed to succeed. Another king of the Thirteenth Dynasty calls himself on his monuments "son of the queen mother Kema."

[3] In the monument to two twin brothers, architects or superintendents of works to Amenophis III., this queen appears among the gods, conferring water, and wine, and the delicious breath of the north wind upon the deceased; she is adored in the third place after the gods Harmachis and Anubis. Queen Ramaka, in the same way, is mentioned in an inscription with Osiris and Anubis, as able to give bread and wine to the deceased; so that the theory of royal apotheosis, which was quite unknown to the earlier dynasties, was extended simultaneously to the king, and his royal consort. (*T.S.B.A.*, viii. 2. 144.)

[4] Her mummy, discovered in 1885, and subsequently unrolled, has decided the point that she was not a black.

new dynasty, show that she must have brought some accession of strength to the royal house.

It was during the Seventeenth Dynasty that Egypt was gradually reunited after the expulsion of the Shepherds, and Aahmes is said to have received help from the Æthiopians in his campaigns against them, a service which he repaid by again extending the borders of Egypt on the south. It has been suggested that the beautiful dark bride brought the Ethiopian alliance as a dowry to her husband, and that the reverence paid her was in gratitude for the part she had thus borne in restoring Egyptian independence. And it is true that the Egyptians in some cases gave high honours to foreign princesses of royal lineage; the blue eyed, fair haired Semitic bride of Amenophis III (or a lady of the same name, who is represented in flesh coloured, instead of the usual yellow, tints),[1] is described in the monuments as "royal daughter, sister, mother, and great royal wife and lady of both Egypts," and the daughter of an allied king of Æthiopia might have received equal honour. Such an Æthiopian princess might have conveyed to her son a claim to the sovereignty of Æthiopia, but she could do nothing to strengthen his title to the Egyptian crown, unless she had herself been descended from a former king, and we learn from the cuneiform correspondence between Egypt and Mesopotamia, that the pride of the former forbade the giving daughters of Egypt in marriage to foreign rulers, so that this solution is of doubtful probability. The wife of Aahmes is sometimes, though rarely, represented with the usual complexion, while her son Thothmes is sometimes depicted as black, just as Khu-en aten changes his features to suit the change of his religion, so that a black princess may mean only a princess from, or ruling over, the land of the blacks.

Throughout the Eighteenth Dynasty it was almost the rule for the king to associate his son, or, as in the case of Thothmes I, his daughter, in the government. The heretical king Khu en aten, with whom it closes, is also shown by inscriptions to have reigned in right of his wife, his own mother being the Semitic princess, Tele, already mentioned, and it is as a descendant of his or hers, that the mother of Rameses II transmitted to her son such claims to the throne, that his father, Seti I, was glad to strengthen the hereditary right of the new dynasty by associating Rameses in the government while still only a child.[2]

In the Twenty-sixth Saite Dynasty, again, between the Æthiopians and the Persians, the founder, Psammetichus, married an heiress, representative of the preceding dynasty, while the mother of Amasis was a princess of royal rank, and nearly akin to the reigning king Apries.

We have thus a continuous series of instances showing that, throughout the whole course of Egyptian history, the legitimacy of the sovereign was in some way associated with the hereditary claims of the women of his

[1] M. Benedite (*Mém. arch.*, v., 3, 381) conjectures this lady to be the wife of a Twentieth Dynasty Rameses.

[2] Brugsch, *Hist.*, ii. 23, 4.

family. The importance attached to primogeniture may seem less deserving of remark, as it is not only in Egypt that the eldest son is expected to take precedence of his brethren.[1] Yet, like every Egyptian institution, this also has a character of its own, and both the origin and the object of the *droit d'aînesse*, as recognised in Egypt, appear to be intimately connected with the organization of family life, which established first the authority of mothers, then that of wives, and finally that of the domestic triad, consisting of husband, wife, and their first-born child.

In the hypothetical state of primitive society, in which the mother is the only fixed element in the family, there is no ground for giving precedence to the eldest child. Sons and daughters, on reaching maturity, pass into the cousinhood or clan, in which their place is determined by other considerations than the order of their birth. The first genealogists did not care to go beyond the statement that a man's mother and his mother's brother were of a valiant stock. It is only when the family has been founded, that is to say, when the father and mother of a family are united for life to each other and their children, that the latter form a community within which degrees of precedency can be counted.

Polygamy of the patriarchal sort is of course compatible with the institution of an eldest son and heir, though complications are liable to arise when Ishmael happens to be older than Isaac. But the founders of the domestic civilizations seem to have passed straight from the relations of archaic barbarism to the highest form of civilized monogamy. Polygamy was tolerated, but the ideal Egyptian was the husband of one lawful wife, whose affection was his delight in life and his glory in the grave. Now the husband of one lawful wife is the first person who can make sure of the heirship of an eldest son; and it seems as if the Egyptians, having invented marriage as a permanent, exclusive relation, discovered that it involved the existence of an eldest child, and became all the more in love with their invention because of this, its natural consequence.

There is nothing imaginative or fanciful in this reconstruction of the Egyptian theory of family relations. The gods themselves are commonly arranged in triads, consisting of father, mother, and son, and the solidarity of this group in the human family is abundantly proved by documents ranging from the Fourth Dynasty to the Roman period. "Eldest son" is a recognised, quasi-official title in the tomb-inscriptions of the first Six dynasties, and in the comparatively late table of precedence, already quoted, it is given as next in dignity to the title "royal son." Just because the eldest son, as such, was a personage, the title came to be granted *honoris causâ*, like many others involving relationship to the king, so that the epitaph writers were obliged to distinguish "real" eldest sons and royal

[1] In Egypt it was a rule of propriety that the elder brother should *not*, in the literal sense, take such precedence: "Place not thy person before thy brother, leaving him behind thee" (*Rev. Égypt.*, i. 162) is a maxim given in one of the collections of proverbial precepts of which the Egyptians were fond, and of which the Apocryphal book *Ecclesiasticus* is a fine specimen.

relations from those who had only been allowed to assume these titles by favour.[1]

The elements of the character for eldest son signify to guide or lead, with the figure of a man with a staff for determinative, and the general sense of head of the family, the leader of the other children. The title of "eldest son" is habitually applied to Thoth in regard to Horus, so much so that the Rhind papyrus translates the demotic proper name Thoth by the epithet *samsou*; in other words, the god was familiarly spoken of as *l'ainé*;[2] and the expression dates from the Pyramid period. Osiris is the eldest of the five gods, and a hymn of the Eighteenth Dynasty describes his relation to his parents and brethren in the terms considered appropriate to virtuous mortals: "He is the eldest, the first of his brothers, the chief of the gods; he it is who maintains justice in the two worlds, and who places the son in the seat of his father; he is the praise of his father Seb, the love of his mother Nou."[3] But the strongest proof of the early age at which eldest sons were distinguished, and distinguished in connection with ideas of inheritance, is furnished by the phraseology of the Egyptian funeral Ritual, the so-called Book of the Dead. Genealogies play an important part in all mythologies, but the religious texts of Egypt stand alone in their habit of describing the younger god as the heir, rather than the son of his father.

The oldest linen or papyrus copies of the Ritual which have reached us are not earlier than the Seventeenth, Eighteenth, and Nineteenth Dynasties; (one of the earliest of them was inscribed in honour of a steward of the herds of Amon and "his wife, who loves him, the lady who makes all his delight"); and the earliest extant portion is the chapter on "The departure from day" (*i.e.* life) found on wooden coffins of the Eleventh Dynasty.[4] But it is not seriously doubted that the Ritual was already ancient when we meet with it first. The text of one chapter (the sixty-fourth) includes the statement that it was discovered in the time of King Menkara, whose word is truth, by Prince Har-titi-f, when he was travelling to inspect the temples,[5] and the tradition which ascribes its composition to that period may quite possibly be authentic; for the prince is as historical a personage as the king, and dark sayings of which he was the author were known and quoted in a poem attributed to an Eleventh Dynasty Antef, preserved in a MS. of the time of Thothmes III. Indeed, it may be doubted whether the same insistence on the heirship of the gods would have been shown in

[1] We have seen that Ptah-hotep counts it as one of the first prizes of good service, that an official will be called "son" by his chief; and the custom is continued down to a late period. A private person in a monument calls himself "eldest son" of Thothmes I., and similar examples might be multiplied indefinitely.

[2] *Manuel de hiérarchie Égyptienne*, *Journ. As.*, *loc. cit.* p. 271. In the Pyramid of Pepi II., Osiris is apostrophized as the son of Seb, "his eldest." (*Recueil de Travaux*, xiv. 3. 142.)

[3] Hymn to Osiris, ascribed to Eighteenth Dynasty. (*Records*, iv. 99.)

[4] Devéria, *Catalogue*, p. 50, 1.

[5] Pierret, *Livre des Morts*, ch. 64. The 130th chapter is in like manner ascribed to the Second Dynasty. (*T.S.B.A.*, 1893, ix. 295.)

compositions of a later date, when the inheritance of sons had become a commonplace incident of every-day custom. It would seem rather as if the same period saw the development of the religious and the domestic ideal, so that the imagery of religious texts was borrowed from the new experience of the triune household, the spiritual significance of which new creation it was indeed scarcely possible to exaggerate.

The following phrases are taken from M. Pierret's translation :[1] "Thy father Seb has transmitted all his heritage to thee." . . . "The day when Horus was constituted heir of the appanages of his father Osiris." . . . "I am Horus the heir." . . . "I am your lord, oh gods! I am the son of your master, you belong to me through my father." . . . "I traverse the earth as an heir in the footsteps of the manes." . . . "I am the great first heir." . . . "Osiris the eldest of the five gods, the heir of his father Seb." . . . "It is Horus, the brother of Horus, the heir of Horus." . . . "I present food to the (divine) heirs." . . . "Horus, the heir of Ra." . . . "I am Horus, the avenger of his father, the son of Isis, the heir of Osiris." . . . "The son of Osiris, the heir of Ounofre," (the good being). . . . Such a collection of passages certainly shows that the recognition of the heirship of eldest sons is as old as any element in the social life or religious thought of the country.

The ancient sage P'tah-hotep, whose "arrangement of good words" has been quoted above, is careful to call himself the eldest of his race; and considering the scantiness of the records of the ancient monarchy, we could scarcely expect to find more precise traces than exist of the lawful partnership enjoyed by the first-born child in his father's property. Amten, an officer of Senoferu, towards the end of the Third Dynasty, distinguishes the lands which he has received from the king, and those which he inherits from his father; but he describes certain domains as having been in his possession from his earliest childhood; his father (a learned doctor) gave them to him.[2] The title "eldest son" recurs frequently in the oldest inscriptions, together with that of "royal legitimate son," "legitimate eldest daughter" (of King Senoferu), "noble legitimate prince," and the like. In Egypt, as in China, all children were legitimate in the modern sense, so that we must understand, by the word thus rendered, the children of a legitimate or established wife, who in the first instance probably had a lawful right, not merely to inherit, but to share the property of their parents.

Among the Basques, where alone we meet with something similar to the Egyptian partnership of the eldest child, it is when the eldest child marries, that he (or she) becomes entitled to half the family property, or rather to an equal interest in it with the parents. In Egypt the child's

[1] *Le Livre des Morts*, 1882, xiv. 2, xiv. 9, xxi. 5, xlvii. 2, xlviii. 1, 2, lxix. 2, lxxviii. 39, xcviii. 7, cxliv. 10, cxlvi. 5, 6, 24. Cf. *T.S.B.A.*, ix. p. 300. "This thy Festival, which thine heir hath made."

[2] *Denkmaler*, ii. Pl. iii.–vii.

interest begins at its birth, but does not necessarily involve any diminution of the parents' control during their life.

The most significant reference at an early date to the son's ownership is in a tomb of the Twelfth Dynasty, at Aswan, belonging to Serenput, an officer of Usurtasen I., and one of those local governors or feudal princes who were interred within their own domains. All the members of his family are described: "his wife, the beloved of the seat of his heart, the lady of the house, Set-ten, his dear mother, Set-ten, his dear daughter Sati-hotep, and his dear daughter Set-ten;" he has three sons, and the important passage is the description of "his eldest son, loving him, the master of his property, *the ruler of his heritage*, perfectly acquainted with everything going on in his house, the prince Heq-ab, son of Set-ten."[1] Such phrases can hardly be explained away into insignificance in a land where, nearly a thousand years later, parents are habitually described as holding property "for their children,"[2] and sign legal deeds and documents expressly on their behalf, as agents, not as principals.

Most Oriental nations are given to the employment of intermediaries, in all social affairs from courtships to commerce, and it is probable that the eldest son was regarded to some extent as the natural substitute for the father, just as the father was the agent or representative of his children. Thus Horus is described in one passage as "The firstborn son who framed answer when he exchanged to his seat;" "Hor-si-esi, who gave answer (or pleaded) for his father against Set before the tribunal of the gods;"[3] and although we cannot be certain as to the exact associations intended to be called up by such phrases, they seem clearly to point to some quasi-legal assistance for which the father is dependent on his son.

It is an interesting question whether the Egyptian rule of primogeniture was absolute like that of the Basques, among whom the eldest child, without distinction of sex, is the heir. There is reason to suppose that this may have been the case, at least to some extent; and if it were so, this would supply a fresh reason why the king's son should marry his sister, when she was the eldest, and so the legitimate heir.

The development of the family forms an integral part of the history of ownership, not only because the transmission of property is affected by its character, but because human relatives are among the first possessions consciously appropriated and enjoyed in a primitive, progressive State. We still talk about "having" or not "having" parents or children, husband or wife; and the character, or indeed the very existence, of such possession depends upon the organization of the domestic relations. The character and value of any particular kind of ownership depends upon the nature of the thing owned. If a master "has" a slave, the person so described may be anything between a domestic animal and a domestic servant; if the slave "has" a master, it may be either as children have a

[1] *P.S.B.A.*, Nov. 1887, p. 23 ff.
[2] E. Revillout, *Nouvelle Chrestomathie Démotique*, p. 69 ff., 1878.
[3] *Records*, iv. 95 n.

tutor or as sick men have a painful disease. Similarly the possession of what we call a family has a different value to all its members, according to the relations which subsist between them. As the ideal society is that which is so ordered as to confer the greatest possible benefits on all its members, so the ideal family is that in which the interest and happiness of every member are equally provided for and considered,—that is to say, in which the husband exists as much for the use and pleasure of the wife, and the parents for that of their children, as conversely.

The stability of Egyptian society was probably due in great measure to the completeness with which this ideal of reciprocity was realized. The Egyptian word for a married woman, a wife as distinct from a widow, is *neb-t-hai*,[1] the mistress or lady of a man; the proper name for the lawful wife whose eldest child was his father's heir is "lady of the house;" so that the status of the Egyptian wife included the "having" of a house and a household of her own. Few ancient and indeed few modern States have conceived the normal extent of married women's property on so large a scale; but in spite of the witticisms of the Greeks, we may be certain that no society could flourish for 3,000 years if the "monstrous regiment of women" had been in any way tyrannical. The subjection of men in Egypt seems to have gone just as far as that of men, women, and children must go in every community in which the common is preferred to the individual advantage. Whatever may have been the details of the Egyptian law of inheritance, its general tendency was to equalize the distribution of wealth, and to cause half of it to belong to one and half to the other sex, so that each parent on the average had about the same amount of property to bequeath; and if the law was more explicit about the duty of fathers, than as to that of mothers, in endowing their children, the only reason must have been that even in Egypt they were, of the two, a little more inclined by nature to neglect an obligation, which the national opinion was exceptionally advanced in recognising. Or perhaps, the right of the children to the paternal estate savoured rather the more of positive institution, since it cannot have rested on so sure a base of immemorial custom as the prehistoric right of children to share their mother's possessions.

In Egypt every class of persons possessing common interests formed a corporation, governed by rules voluntarily framed and adopted for the joint advantage of its members. Egyptian law seems in great measure to have realized the Chinese ideal of enabling the people to follow their own spontaneous inclinations, and this characteristic is most marked in all that relates to the rules of inheritance and descent. The concern of the individual householder did not extend beyond the fortunes of his own grandchildren, and when their proprietary interests were secured his anxiety for the future ceased. There was no organized section of the community interested in overruling the inclination of individuals in the name of a party or a class. Membership of the existing corporations was hereditary, because succes-

[1] Brugsch, *Hieroglyphic Dict.*, *sub voce*.

sive generations had the same wants and wishes, but it was only obligatory in the sense that the benefits of membership were conditional on observance of the rules of the association.

The family law of property is the best known, as well as the most curious part of Egyptian usage; but before entering upon the discussion of the later forms of it, as to which there is naturally most information available, the more obscure question of the existence of class or caste property has to be considered. Evidently if a man inherits his father's or his grandfather's occupation, the emoluments of the occupation belong to him in virtue of his employment rather than as hereditary property. Each calling consists of persons who have chosen to exercise the same functions as their ancestors; but, as it is a right rather than a duty for them to do so, it is individuals rather than the class that have a vested interest in its customary emoluments. Certain persons and families have a right to exercise given functions for given customary rewards, but the rewards can scarcely be considered as the corporate property of the class discharging the functions, just because they bear the character of a salary for work done. It is probable that all classes of the community were grouped in self-governing guilds or corporations, but we see no grounds for believing that any class, not even the soldiers or the priests, possessed more of a caste character than is involved in the customary transmission of offices as well as property from parents to children. The common formula on funeral steles illustrates the popular point of view: it conjures the passer-by to remember the departed, "as he loves the king, wishes to thrive on earth, and to have *his office and his property* inherited by his children."

Ampère's Memoir upon Caste in Egypt concludes that the mechanical trades were very likely divided into corporations, with a more or less hereditary character, while members of the liberal professions were free to exchange or to combine each other's functions and to intermarry at will. Some of his instances only prove, what is otherwise beyond doubt, that members of priestly families might hold office of various kinds at court, without abandoning the priesthood. But since he wrote, the mass of accessible materials has been enormously increased; and so far as we rely upon Egyptian texts only, the evidence is distinctly against any stringent hereditariness of occupation.

One grandson of an hereditary lord becomes a court official and another a high priest; the sons of civil officers become priests, and the sons of priests become civil officers; and, though the son of a chief prophet has a somewhat better chance than any one else of becoming chief prophet in his father's place, he does not succeed to the post as of right without appointment. Even supposing that all the sons of priests were entitled to be enrolled in the ranks of the priesthood if they pleased, they did not necessarily inherit any particular priestly office or emolument, as is proved by the fact that different members of the same family may be engaged in the service of different gods and different temples.

The same degree of liberty in the choice of occupation must have

existed also among the common people, or the scribes' rhetorical recommendation of their own profession would have had little meaning; but the liberty was comparatively seldom claimed. The criminal Paneba, already mentioned as having been accused of unlawfully compelling men and women to work for him, was also charged with embezzling and damaging building materials destined for the king's work. When accused of spoiling the unbaked bricks with his footsteps, he professed, as an excuse for his intrusion, to have "become a mason;" and though it is implied that the claim was fraudulent, it is evident from its being made that it was possible for a change of calling to be effected with certain formalities and due publicity.

The statement of the Greeks [1] that all Egyptians were obliged to give in their names in writing to the governors of their provinces, showing by what means they get their living, is no doubt in the main accurate. In Egypt, as also in China, the registration of all the inhabitants in their professions and callings was carried out, partly at least, in view of the public charges to which they might be liable. The list of all servants and officials by name demanded in the papyrus quoted above, shows that such enumerations were common; and the lists of cultivators kept in the temple registers were so complete and circumstantial as to serve in lieu of title deeds for land; that is to say, the peasant who was entered as occupying a particular plot—and consequently liable for such and such dues to the king and the god—had his lawful occupancy thereby officially recorded, and this record was accepted as proof of ownership so long as no other name took his place on the register.

To escape paying land tax, a man had to show that he was engaged in some other pursuit, which he was required to specify. A man officially registered as belonging to one trade, and then found exercising another, was clearly guilty of having given false information to the authorities, an offence not likely to be committed without some further evil intent; and the punishment of this offence probably led the Greeks to believe that it was against the law to exercise more than one trade at a time, or for a tradesman to meddle in civil affairs, which would be an encroachment on the work of the literary class.

Though hereditary professions were the rule, there were regular and legitimate ways of making exception to them. Thus, in the case of a family of choachytes, whose archives, extending from the seventh century B.C. to the Roman occupation, have been preserved,[2] we learn that on one occasion, out of several children, one was adopted by a tax-collector, whose heir he became; in consequence of which he renounced formally all claims on the property of his own family, acquired in the calling he was about to abandon in favour of his new inheritance. The occupation and the estate of the tax-collector go together as a matter of course, just as the occupation of temple priest goes with the possession of a prescribed share of the temple offerings.

[1] Herod., ii. 177. Diod., i. 77. [2] *Cours de droit Égyptien*, i. 136, 147.

A strict theory of caste would have been impossible in Egypt owing to another characteristic of the people pointed out by Erman:[1] they were singularly destitute of the taste or feeling for genealogies; they have no surnames, and though every man while alive wishes his name to live for ever, as a matter of fact even grandfathers are seldom commemorated by their descendants, and remoter ancestors are ignored in all but a few exceptional cases where the transmission of property or office has been continuous. If the Egyptians had prided themselves on ancient lineage or long descent, they would not have failed to let us know what they had to boast of in that respect; and considering the strength of family affection and the theoretical reverence due to ancestors, it is almost certain that, had families, in our sense of the word, been long lived, they would have learnt to value themselves upon the quality. If they do not do so, it must have been because families died out rapidly, a fact which the marriage customs of the people are sufficient to explain.

[1] Vol. i. p. 228.

## CHAPTER V.

### *THE MILITARY CLASS.*

THE advocates of the existence of Caste in Egypt are also predisposed to believe that the priestly and military castes, as such, were the chief or only landed proprietors, in addition to the king himself; and the accounts given by Herodotus and Diodorus of the military administration of "Sesostris" are received with less than the usual scepticism of modern critics, because they seem to harmonise with this view, which is really only suggested by them. There is, however, nothing in the monuments of the first twenty dynasties to suggest, and very little to confirm, such an opinion; and though it has the support of so eminent an authority as M. Revillout, it did not originate with him, nor indeed with any professed Egyptologist; and therefore the degree of credit which it has obtained among such scholars is less convincing than it would be, if the theory had been based on the monuments and confirmed by the Greeks. If the Greeks are really the chief authorities for the ownership of land by the castes, their evidence can only be conclusive for their own times, and even then it will require to be interpreted by the light of what we know about the spirit of Egyptian civilization and institutions; which M. Revillout himself has so well shown to possess a kind of liberal humanity equally remote from mediæval feudalism or Brahminic sacerdotalism.

Both soldiers and priests were *ex officio* in possession of certain lands which they might either occupy or cultivate by deputy in the manner already described, either through stewards or tenants paying a fixed share of the produce. That is to say, the soldiers of the standing army, so far as there was such a thing in Egypt, were partly paid by allotments in land, in addition to the pay or allowances, which they received when on active service or on duty in the king's bodyguard. These military lands would be hereditary in just the same way and to the same extent as the military calling was hereditary. The son who was a soldier would inherit his father's plot, and succeed to his place in the ranks; but during occupancy, the plot would be as much private property as any other land in Egypt, and would belong to the individual soldier, not to the warrior class. If the possession lapsed for want of a son, daughter's son, or son-in-law to succeed to the vacant place, another soldier would undoubtedly receive the land, as from the king, in the way of wages, not from the army as redistributing its corporate property.

At the present day certainly, and most probably always, the army of China has been paid in exactly this way, which is both the cheapest and the most popular that can be adopted in a nation of cultivators, where all the land is still regarded as Crown or national property. The only point in which there was room for a difference between the soldiery and the common people, as regarded the tenure of land, was as to the payment of taxes. As in China and all other primitive agricultural countries, the principal source of revenue in Egypt was the produce rent or land tax paid upon all cultivated—which in Egypt meant all irrigated—land. Now to pay the soldier his wages in land, and then to deduct from those wages the amount required in taxes from civilians, is a clumsy complication of the sort more common in modern than in ancient times. There is every reason to believe that, as Herodotus says, the soldiers' allotments did not pay land tax; and as it is quite true that, in these ancient States, rent and land tax are practically indistinguishable, it may be said that the soldiers, who did not pay rent or land tax, were a step nearer to the absolute ownership of their plots than the civilian cultivators, who were liable for such payment. This is so far true that, if the soldier chose to sublet to a cultivator, the latter could afford to pay as rent what he was not called upon to pay as land tax for this plot, in addition to any proportion of the produce that a tenant could give to private owners liable for taxes. But the only real effect of this is to make the soldiers' wages so much more, or rather to make a given quantity of land go so much farther in paying them. The condition of the soldier's ownership is his rendering military services, just as the condition of the cultivator's ownership is his paying the required land tax; and supposing the military lots to have been of the same average size as the ordinary peasant's holding, the exemption from land tax and campaigning allowances together would probably represent no more than the value of the soldier's labour, during the time that he was debarred from working for himself.

Technically, perhaps, there is not much difference between the position of the Egyptian soldier, who received a grant of land free of tax, in return for military service, and the feudal tenant, who had a life interest in his estate under the same condition. The over-lord in mediæval Europe more often received his tribute in the form of services than produce; but the latter mode of payment was not unknown, and what the feudal tenant received with his land, in addition to the right of using and abusing it himself, was the right to levy such taxes from it as the king levied from the lands which he had not granted away. We give the name of taxation to the dues exacted by the supreme political authority as such, whether they are received in the form of services, produce, or money. But the political effect of a grant, carrying with it the right to levy the land tax, is very different in different communities. In Egypt land was productive, and accordingly worth more to cultivate than to tax; a small quantity was therefore enough to pay a soldier who might, if he pleased, cultivate it himself; and estates large enough to bring in a considerable revenue,

from the land tax only, were not granted often enough to allow of the formation of a large class of landed military aristocrats.[1]

Ricardo's theory of the origin of rent presupposes a state of society in which rich men, not possessed of any special political authority enabling them to levy taxes on their poorer neighbours, *are* possessed of large estates in land which they desire to cultivate for profit. Farming by stewards or agents in the Egyptian manner is not profitable, unless the *khennes* is of unexceptionable probity and skill; and the alternative of letting or leasing land to a working farmer is, as Ricardo proved, only open in the case of land, which is sufficiently productive to yield a profit, after all costs of cultivation and the cultivator's maintenance have been defrayed. In England and many other countries in modern times, it is so common for land to be owned, in large quantities, by persons who desire to derive a certain amount of profit from it, with the minimum amount of labour or superintendence, that large quantities of land of all degrees of fertility are constantly offered to the class of working farmers for a rent. The development of other industries in England, and the slow increase of population where such industries fail, may prevent the competition of farmers for land from raising rents beyond the limit compatible with their own easy maintenance; but the demand for land in most European countries is keen enough to cause rent to be paid for every degree of productiveness beyond the minimum.

But this sort of commercial rent is of comparatively late origin, and it is a matter of some importance in social economics to have it clearly understood, that, in the earliest times, rent was never paid except to the sovereign, or to some person to whom the sovereign's right of taxation had been delegated. In other words, the origin of rent is political, not economical. It is noticeable, however, that this theory of the State ownership of land seems only able to maintain itself among the non-political races. Unless the cultivators are regarded as possessing a kind of customary freehold, the peasant who failed to pay his taxes would be deprived of his land, a result which has followed disastrously whenever modern European notions have been allowed to govern the administration of a subject oriental State. In ancient Egypt, no doubt, the defaulting taxpayer had to pay with his person, if not in corn, and had to "eat stick" as a stimulus to greater industry or thrift; but his land was not taken from him, and he started fair for the next agricultural year.

Modern economists would tell us that if the arrears of land tax were once allowed to be cancelled upon inability to pay, all the cultivators would profess such inability at once; and this might perhaps be true, if both rulers and subjects belonged to one of those political races who make long existence difficult to themselves by their habit of, as the saying is, riding their ideas to death. The ruler who expects to increase the national wealth, by depriving any subject of the means of subsistence, is the fellow-

[1] In the Twelfth Dynasty a grant of five acres was considered reward sufficient for a chief officer's gallantry in an engagement or a campaign. (Lepsius, *Denkmäler*, iii. 11.)

countryman of the subject who deliberately adopts a course of conduct, which has only to be made universal, in order to deprive the Government of the means of existence, and thereby to expose the whole people to extermination or enslavement by a foreign conqueror. But this savage anxiety to press every principle to extremity is unknown and incomprehensible to primitive States, and the Pharaoh, therefore, might possess with impunity powers which, in the hands of the Cæsars, would destroy the country and the monarchy together.

As we have seen, one of the first duties of the king was to provide all his people with their food; and when he abandoned to a subject any portion of his royal rights, the rights were accepted subject to all the customary obligations. The hereditary princes, whose rights were in some cases even older than the monarchy, governed their own domains just as the king was expected to rule the whole country. The officers, who received, by the king's favour, equal or similar powers in any district, seem seldom to have increased the numbers of the hereditary aristocracy, no doubt because of the custom which caused the father's property to be divided between his sons and sons-in-law. But the king was expected to uphold all ancient hereditary claims, and in the very inscription which is relied on as confirming the Greek accounts of the soldiers' lands, Rameses II. boasts of his regard for rights of birth, which would have been fatal to any such redistribution of the whole country, as is ascribed to him.

When counting up the benefits he had conferred on them, as a reproach to the nobles who failed him in the day of battle, he says, "I make princes of you always, I set the son in his father's seat."[1] But there is no sense in which it can be maintained that the hereditary princes of Egypt and the private soldiers, whose lot was ridiculed by the scribes, belonged to the same class. According to the Greeks, it was this king who instituted both the system of military allotments and the general division of the land amongst the cultivators, with the institution of a land tax, payable by all except priests and soldiers. But the informants of Herodotus, and very possibly all but the most learned Egyptians of that age, looked upon Rameses II. as the greatest, and by a natural confusion, as therefore the first, or nearly so, of their native kings. All events over a thousand years old appear in the same plane in the eyes of tradition. The builders of the Pyramids and of the Labyrinth, though really far more ancient, are counted by Herodotus among the successors of Sesostris; and as all the historical knowledge of his informants must have been of the same calibre, all that the late tradition, which he reproduces, can be trusted for, is the fact that the allotment system had existed as early as the time of Sesostris; not that it was unknown before him.

It had always been the custom of warlike Egyptian kings to include among their troops any of the neighbouring barbarians who were willing to take service under their banners; and the prudence of the course was self-

[1] Poem of Pentaur, Brugsch, *Hist.*, ii. 58. *Records*, ii. 65 ff.

evident, since, for instance, if the warriors of the Nine Bows [1] were fighting for Egypt against the Asiatics, they could not at the same time be plundering the southern frontier, left exposed during operations at the opposite extremity of the kingdom. Such auxiliaries, when not on active service, no doubt returned to their homes, and this part of the army therefore would not need to be paid by allotments of land. Rameses II. seems to have employed mercenaries of this type quite as readily as any of his predecessors; and if he had also reorganized the native army in some new way, accentuating the difference between the native and foreign troops, it is scarcely possible but that some indication of the fact should have been given in his inscriptions.

In the poem of Pentaur, the king says to the soldiers, chariotmen, and princes, who had taken no part in the great fight, where he overthrew the "miserable king of the Khita:" "No Pharaoh has done for his people what I have done for you. I allowed you to remain in your villages and in your towns. Neither the captain nor his chariot horses did any work." There is nothing in this to show that the king had bestowed any kind of endowment on the warriors in his service; he only treated them more leniently and liberally than former kings. In consideration, most probably, of their being called on to follow him on his repeated campaigns in foreign parts, he may have refrained from calling them out, in time of peace, either for parade or labour; and he even carried consideration so far as to instruct each detachment by which route it might proceed direct to the seat of war, instead of marching first to a central camp or muster ground. We may also argue that the land allotted to a captain was sufficient for his support, without his having to cultivate it in person, and that Rameses did not, like the Mongol emperors of China, allow the maintenance of his war horses to become the occasion of oppressive and unpopular exactions.

But there is nothing in all this to show the existence of an independent warrior caste, exercising suzerainty over a third portion of the land of Egypt. The soldiers, who remained in their villages and in their towns, treated their holdings as private property, though they might no doubt, if the king pleased, be called upon to give up their plot in one province and accept an equivalent somewhere else. But as the inundation practically reduced every cultivator to a yearly tenancy, this was not a serious hardship. On the other hand, under a feeble or unwarlike prince, the soldiers would be seldom called on, and, in a generation or two, their families would become indistinguishable from the ordinary, unwarlike peasantry. The tradition would remain, that such and such lands were the soldiers' portion; but if, at any time, the fiscal authority chose to claim them, as liable for land tax, the civilian descendants of old soldiers would at that price obtain a legal title as private owners. Only so long as the land remained exempt, its occupiers would be liable, on the accession of a fighting Pharaoh, who wished to reconstruct his army, to be called out again to re-acquire their fathers' art.

[1] Cf. *Asien und Europa nach Altägyptischen Denkmälern*, p. 13. W. Max Müller, 1893.

The native troops were always more of a militia than an army, and the employment of a real standing army of Greek mercenaries only began when the army had been so long enfeebled, that the militia had ceased to exist, and ambitious kings lacked the patience to revive the extinct military spirit of their people. If the soldiers' land had belonged to a warrior caste collectively, a quite different kind of abuse would have arisen whenever the army was disregarded by the king. The caste would have been careful not to fill up vacancies in its ranks, and so, while the number of soldiers decreased, they would grow richer in proportion to their numbers, and so become formidable collectively as the priesthood actually did.

As a matter of fact, this did not occur; on the contrary, when Amasis began to employ Greek mercenaries, he seized and allotted to their use some of the temple lands at Memphis, Heliopolis, and Bubastis.[1] This measure, to which pious patriots attributed the future calamities of the country, would have been unnecessary as well as impolitic if the so-called soldiers' lands had been sufficient for the support of his troops, since, even including the foreign mercenaries, these can scarcely have exceeded the armies of the great Rameses or Thothmes. If the proportion of military lands had been reduced, through the gradual return of the native militia to the ranks of the cultivators, a king who wished to settle a fresh body of troops, drawn from without upon Egyptian lands, could only do so by dispossessing the existing proprietors. Under Ptolemy Philopator a middle course was tried. The mercenaries were settled upon temple lands, but they were required to pay a fixed contribution in corn to the temple, which could hardly be regarded as an act of spoliation, if the amount paid by them was equal to the ancient customary tithe.

The revolt of the Egyptians in this reign[2] was probably due to an alliance of the sacerdotal and military interests, which for the moment were strong enough to resist, though not strong enough to have escaped, oppression. According to Polybius, Ptolemy's success in the war with Antiochus was due to his advisers having reorganized the Egyptian army, the native troops, which formed about half its number, being drilled and commanded by Greek officers. The military spirit and capacity of the Egyptian troops was thus revived; but as they had to be paid or maintained, as well as the foreign mercenaries, it is probable that the maintenance of the latter was thrown principally upon the sacred lands. Mere jealousy of the foreigners would not by itself have provoked a military revolt, for it was no hardship to an Egyptian soldier to return to the ranks of the tax-paying peasantry; but with the army ready for action, and the priests no longer on the side of the Government, but instigating revolt as a pious and patriotic duty, there were materials for a formidable outbreak, which, though it was suppressed after a time, had the effect of warning the rulers to show more respect for native customs and prejudices.

[1] E. Revillout, *Les Obligations en droit Égyptien*, p. 11; and the same author's translation of a Demotic chronicle, *Revue Égyptologique*, i. p. 57.

[2] *Rev. Égypt.*, 1882, p. 115.

The two documents which throw most light upon the position and character of the Egyptian soldiery, though belonging to very distant dates, have so much in common and are so obviously inspired by the same theory of government, that we can scarcely be misled by considering them together. One of these is a letter, referring to an unknown *Edict of Agriculture*, addressed by a certain Herodius of Alexandria to his subordinates, some time in the second century B.C., most probably in the first half of it,[1] and warning them against giving any occasion to such complaints as had recently been made to the Government, respecting unjust and oppressive exactions on the part of the revenue officers or tax collectors. The other is a similar edict by Horem-hib, the predecessor of Rameses I., a soldier king who claimed to have restored peace and order to Egypt, after the troubled sway of the heretic kings, who intervene between the great monarchs of the Eighteenth and Nineteenth Dynasties.

The earlier of these documents only mentions the soldiers incidentally, as consisting of two classes, respectively connected, like everything else in Egypt, with the division of the country into the northern and the southern land; and as adding to the troubles of the country people by their thefts, instead of employing themselves industriously in their settlements.[2]

The particular form of robbery, of which the private soldiers are accused by the king, is that of seizing forcibly the hides of cattle, in the possession of the peasantry, bearing the stamp or brand of the king. That this should be a possible or tempting crime proves that the system of boarding out the royal herds was managed in Egypt, much as it was thousands of years later in Ireland and Tatary. The "giving" or "taking" stock was the note of feudal superiority or dependence according to the Brehon laws. The chief was the person who had cattle to spare, when land was to be had by any one, and the tenant was required to "take stock," that is, to herd and pay rent for the cattle of his lord.

The *Senchus Mor*[3] lays down that "If the cattle given as stock are alive when they (the chief and the tenant) separate, they must be restored to him in the condition in which they are, be they ever so poor, for they may have been wasted by age and service;" but if they are dead they are to be replaced by others, equal in value to the first, unless they died of some disease which had attacked them before the tenancy began.[4] The kind of abuse to which this arrangement is liable is well described by Father Huc:[5] "The Tartars who are not of princely family are slaves, living under the absolute control of their masters. In addition to the dues which they are required to pay, they have to keep the herds of their masters. . . ."

[1] This document, known as Pap. 63 of the Louvre collection, is translated by Lumbroso in the *Transactions of the Royal Scientific Academy of Turin* for 1870, v. 207. The version of the great decree of Horem-hib, published by Dr. W. Max Muller in the *Zeitschrift fur Ægyptischen Sprache und Althertkumskunde* for August, 1888, is not put forward as final, but little doubt seems to attach to the sense of the portions relied on in the text.

[2] The significance of this last clause is not quite certain.

[3] *Ancient Laws of Ireland*, vol. ii. p. 315.

[4] Cf. Exod. xxii. v. 10–13.

[5] *Voyage dans la Tartarie*, vol. i. p. 273 ff.

The slaves may have property of their own, are often richer than their masters, and meet them on a footing of social equality, but "some of the Tartar sovereigns abuse their supposed rights to oppress their people and demand exorbitant tribute And we have met with one who exercises a really revolting system of oppression He chooses from his flocks the sheep, oxen, camels, and horses which are oldest and sickliest, and gives the care of them to his wealthiest retainers The latter cannot object to taking the herds of their sovereign lord to pasture, indeed, it is regarded as an honour to do so" (as in Ireland the tenant's rank depended on the terms upon which he "took stock") "But after a few years the king asks to have his animals back, and as they are nearly all dead of old age or sickness, he chooses the youngest and finest animals from the flocks and herds of his tenant, and not content with that, will ask for double or triple the original number, on the plea that they must have increased and multiplied" The existence of a corresponding abuse in Ireland has enriched the vocabulary of operatives in the sister island with the expression "to work for a dead horse," which is still used for the working out of an unprofitable job, or by sailors, who are supposed to have received in advance the money for work still due [1]

In Egypt the system was apparently regulated so as to obviate all just ground of complaint The royal cattle were branded with some durable mark before being entrusted to their keepers, if they died the keeper was bound to produce the stamped hide, as a proof that the animal was really dead, such hide being at the same time accepted as a discharge of the keeper's liability, and probably as a voucher for his claim to receive another animal in charge in its place The keeper who was unable to produce the hide was liable to be required to replace the animal at his own expense, and the oppression of the soldiers, who are said to have gone about "robbing and beating," probably took the form of stealing the hides and then compelling the peasants to redeem them They might of course also have kept the hides and delivered them to the overseer of the royal herds, but it is scarcely likely that any payment was made in such cases by the Crown, and to landless men, like the military brigands, the prospect of receiving the charge of other royal cattle in lieu of the returned hides would not be attractive

The royal edict declares that all such thieves are to be deprived of the hides they have stolen, and to receive one hundred blows, and the royal overseer, in making his arrangements for the farming of the herds throughout the country, is exhorted apparently to consider the misery of those who have been robbed in this way, and to excuse the absence of the hides [2] Besides the unofficial robberies committed by the soldiers, the king refers also to complaints which have reached him concerning the exactions of officers employed in collecting the revenue, boatmen were

[1] Wakefield mentions the expression as an Irish one

[2] M Maspero's account (*Manuel*, p 318) of the regulations concerning the animals on the State domains of modern Egypt is almost identical with those above described.

robbed of the boats, by means of which they could render the services required of them by the king, whereas those who were without boats should rather have been provided with them for that purpose; the contributions in kind collected by the taxpayers were seized by the officials for themselves, and the demand for the tax presented again; those who had been robbed were required nevertheless to pay their taxes, and employers of labour saw their slaves carried off to cultivate the private lands of their oppressors; even the townspeople had to complain of excessive impositions in the form of house tax.

Of all these abuses Pharaoh intends to make an end; "the holy Fathers and Prophets of the temples, the Officers of the court and the Priests of the gods," who form the official class, are warned of the king's will, and that judgment will be executed upon the heads or noses of all who disregard it. Searching journeys of inspection will be undertaken, perhaps even by the king himself, or at any rate by his censors, as in the time of King Thothmes III., to see that his commands are carried out. It is expressly stated to be the royal wish that taxes shall not be demanded from those who possess nothing.

This edict resembles the proclamations of Chinese emperors, against abuses in their own government, by the homely details which abound in it, and the air of, as it were, taking his subjects into his confidence which characterizes the royal remonstrance. It gives direct evidence as to the kind of abuses which prevailed, when the government of the country was not at its best, and it shows us the king defending his people against bad officers, as an alternative picture to that, which is a favourite in ancient Chinese story, of the virtuous official endeavouring to control the wicked king. But its importance as bearing on the position of the military class is also very great.

The common people suffer at the hands of both civil and military officials; but, while the soldiers commit their crimes on a small scale, as it were in their private and personal capacity, the real bureaucracy of priestly rank does its oppressions publicly and officially. The soldiers' exactions are like the plunder seized by discharged free lances, on their way from one employer to another in mediæval Europe, rather than the authorized exactions of a feudal superior. It may therefore be taken as certain that immediately before the Ramessid period, the military class were as far from forming a privileged landed aristocracy as they were later, after the fall of the last native dynasty. Viewed in the light of their condition before and after the military reforms or innovations of Rameses II., the Greek accounts of the provision made for the soldiers by that king may be understood to indicate only that the army was reconsolidated, and that all soldiers not employed on active service or in the king's bodyguard—in other words, all who were not receiving rations for their maintenance—were settled upon plots of land sufficient for the support of their families.

It is not in accordance with what we know of the stability of Egyptian institutions to suppose that, for a few hundred years, in the latter period

of the monarchy, the overlordship of the country was divided between three privileged estates, while no trace of such a division existed before or afterwards. And in fact contemporary documents show that the soldiery enjoyed no such exceptional rights or privileges as have been ascribed to them. Under Rameses III., when, if the Greeks were right, the military caste would have been in the first bloom of its new honours and endowments, the praises of learning by the scribes were apt to take the form of tirades against the evil lot of those who sought their fortune with the sword instead of the pen. It seems almost as if the campaigns of the great king had caused a reactionary distaste for military life and glory, and the rôle of the scribe is exalted over that of the foot soldier, or even that of the cavalry officer, as it was formerly over the pursuits of private industry. The hardships undergone by the foot soldier exceed those of the agricultural labourer: he is beaten "like a papyrus roll;" his armour galls him, and the wounds from it fester; he has to carry his rations like an ass; if he falls sick he is robbed; he trembles like a goose in the presence of the enemy; when he returns home he is no better than a worm-eaten stake. Even the officer is liable to be thrown flat on the ground to receive one hundred blows, though his education at a military college has cost his family two out of their five slaves.[1]

This account of the soldiers' fortunes under the most warlike kings of the new empire harmonises alike with what we have learnt from the edict of Horem-hib, as to their conduct in times of disorder, and with the recognition of their grievances in the letter of Herodius. The writer begins by stating that among his chosen warriors in the garrison of Alexandria, the infantry, the cavalry or charioteers, and the marines, there are complaints that they are vexed by officers who do not understand the spirit of the Edict on Agriculture.

Apparently a capitation tax, at three different rates, was paid by different classes, and the complaint was, partly, that the lesser or second capitation was exacted from those who should have paid the least or third; while some who should have been altogether exempt were required to give the amount of the lowest capitation in work. The letter is intended to serve all officers as a guide in levying the assessment. They are to be sworn to use all diligence in having the land sown, but are to beware of either favouritism or oppression; no one is to be vexed, and no one unjustly dispensed from payment. Giving a childish interpretation to the edict, the officials have required persons in towns, wholly employed upon the liturgies, to perform agricultural tasks, together with those who were simply unable to do so; whereas it was never intended that the capitation fixed by the edict should be imposed upon all the inhabitants without exception. Those who contribute to the revenue in fish, or by other produce paid in kind, of course are not required to pay the ordinary dues over again like the rest; neither are the mass of citizens, whose labour barely suffices for their needs.

[1] Maspero, *Hist.* (Germ. tr.), p. 266. Erman, *Ægypten*, ii. p. 722.

Similar exemption is extended to those on the rolls of the army, who have only their pay to live on, and apparently to those of the warriors who, instead of living on their own lands, have to borrow and pay a high rate of interest (or rent?). The capitation assigned in the edict is not to be levied on all, but those who *can* pay are not to pay less than is laid down in it. Those who can work and do not wish to do so are to be compelled, but not those who are unable. The unfortunate multitudes, soldiers and others, are to be spared, and any who corruptly or tyrannically strive to force work from them are to be arrested and delivered up for punishment. The edict demands services from those who can, not from those who cannot work.

This document belongs to the period of conciliation, after the Egyptian revolt and the concessions by which, according to the Rosetta stone, Ptolemy Epiphanes re-established the state of things existing in the first years of his father. It is therefore naturally old-Egyptian in spirit. The officer to whom the letter is addressed is described as Curator of the Low-lands of Sais. Mention is made, as of a sort of council, of the Strategi, the Commandants of the guards, the officers of finance, the royal scribes, the scribe of the warriors and the scribes of the rural districts and of the towns;[1] and these scribes, between them, are required to see to the due enforcement of the Edict and its commentary.

The letter goes on to explain that, if all due arrangements are made, little land will be left uncultivated, and that little will be allotted as pasture to those still in need of State assistance. The military and the cultivators of the exempt, the Royal and the Sacred lands may also be allowed this privilege, which is to be enjoyed in rotation by those whose services in sowing the ground have been accepted. Apparently it was customary to turn flocks of some kind of animals—if not, as Herodotus says, of pigs—upon the arable ground to trample in the grain, and that such flocks were to be allowed free grazing upon the uncultivated lands in return. If this is done, Herodius goes on to explain, those who have animals to spare will offer their services willingly, seeing that they will have an appropriate reward. The document ends with a warning against any molestation of the city people under cover of pretexts about the Edict.

The letter mentions and distinguishes, besides the lands of the soldiers, the priests, and the king, the land which is exempted (from taxation), and the "remaining land," λοιπην πασαν; and it does not contain a single phrase implying that the three first classes represent the whole of the cultivated and inhabited country. The classification used is suggested by the methods of the internal administration, and is primarily of course connected with the department of revenue or finance. The scribe of the soldiers, the scribe of the king, and the scribe of the settled inhabitants kept

[1] The topogrammats registered the cultivated lands and the komogrammats the towns and inhabited houses; both were scribes belonging to the lowest sacerdotal class. They retained their functions under the Romans and the Arabs, and even now the surveyors and Government clerks employed in connection with the land revenue are mostly Copts. (*Revue Égyptologique*, 1887, p. 37.)

respectively the records of each class, so that lawful dues and lawful exemptions might in all cases be received and granted.

The priests of course kept their own records and registers; but the registration of the third class of inhabitants, not residing on royal, military, or sacred domains, proves conclusively that the whole land was not divided between these three estates. In a sense the whole country belonged to the king, who could delegate his royal rights over any part of it if he pleased; but the royal domains, in the special sense, include only what the king used and occupied as private property—land of which he received the produce after maintaining his servants—as distinct from the fields occupied by the settled inhabitants of different degrees and callings, who were to all intents and purposes the owners of the holdings, for which they paid land tax or quit rent to their own proper scribe. Upon the "remaining land," which must have been larger in quantity than that assigned to any one other class, if not larger than all together, the settled inhabitants must always have resided.

A word which occurs in the inscription of Amten,[1] and must therefore denote some form of holding dating from the ancient monarchy, is interpreted by Brugsch as a measure of land, possibly the aroura. This word is *ahouit*, with which are associated *ahu*, the court or enclosure of an old Egyptian king, and *ahouiti*, the holder of the ahouit. Amten is styled[2] *haqou ahouit*, chief or regent of the ahouit; and M. Maspero conjectures that this may represent an office akin to that of the *moultezim*, or farmer of the taxes, in Turkish Egypt, who pays a lump sum to the treasury on account of taxes, and gets and keeps as much more as he can. It seems, however, more in accordance with the primitive Egyptian theory of good government that such a regency should be exercised disinterestedly, and this may have been the case, without detracting from the importance of M. Maspero's illustrations and their value as a clue to the primitive systems of tenure and cultivation in Egypt.

The antiquity of the term, used to denote, at once, a plot of ground of standard size and its cultivator, seems to show—what is intrinsically probable—that the country at large was occupied by such cultivators, subject to a land tax, or rent in kind, paid to the sovereign or some deputy of his.

A kindred term occurs again in the inscription of Thothmes III., who, after the victory of Megiddo, divided the cultivated lands depending on that city into *ahouitou*, which were measured off by the surveyors of the royal house, and their harvest gathered in, to the amount of 280,000 measures of corn, besides that which was destroyed by the army. There are other passages to show that the *ahouitou* consisted of arable or corn lands: and the cultivator who tills them is the *ahouiti*, whose condition is described in terms making it clear that they form the bulk of the agricultural population—the counterpart of the modern fellahin. The essence

[1] *Ante*, p. 49.

[2] Maspero, *loc. cit.*, p. 329. Brugsch, *Hierogl. Dict.*, Appendix, 124, 7. *Hist.*, p. i. 327.

of sovereignty in Egypt lay in the power of receiving the land tax, and no further demand was made upon a conquered people than that their cultivated fields should (at least during the presence of the army of occupation) pay a corresponding tax to their new lord. And as the native Egyptians could scarcely be worse dealt with than the conquered Syrians, it is reasonable to suppose that under the Third and the Eighteenth Dynasty, as well as before and after, the fellahin held the bulk of the cultivable land, by the custom of the country, as virtual freeholders, subject to the payment of land and labour taxes.

The cultivation of the land was a duty which the magistrate could exact from independent cultivators or village communities, just as ancient Chinese officers were expected to do; and with the more cogency since it was by the State administration of the canals and irrigation works that all land in private occupancy was rendered productive. There is abundant evidence to show that land not under cultivation was not regarded as private property: if it had only fallen out of cultivation through bad times and political disorder, when peace and prosperity were restored, it would be reclaimed by the heirs of former owners; and if not so claimed, either simply appropriated by the first person who chose to bring it again into cultivation and get himself registered as paying land tax for it, or else granted by the king, or the temple to whom such tax was payable, to any peasant willing to occupy it. In China there were always vacant lands which could be disposed of in this way, whenever a period of disturbance had created an unsettled destitute class, needing to be provided, by authority, with the means of subsistence; and on a smaller scale no doubt the same operation repeated itself in Egypt.

Just as the cultivators employed upon a private estate would strike work if underfed or otherwise aggrieved by a tyrannical overseer, the tax-paying peasantry would desert their lands if bad government rendered their occupation intolerable. But it is quite contrary to the genius of the Egyptian constitution for the State to profit by its own wrong, as would have been the case if such unoccupied lands had been added to the royal domains. These formed a much larger proportion of the whole country in Egypt than in China, but in both theory and practice the rights of the Crown were of the same character.

If it were true that every cultivator was necessarily a tenant or serf, either of the king, a temple, or a military colony, it is quite certain that the numerous documents, which mention the common people by name and calling, would as a matter of course always include that most important characteristic; and we should hear of the peasants of the king, the priests, and the soldiers, as we do of the scribes of those classes. As this is not the case, we may be sure that the cultivators, like the artisans, formed a separate class. The royal lands belonged to the king in one sense, the sacred lands to the priests in another, and the military lands to the soldiers in a third; and the virtual freehold enjoyed by the cultivators of the remainder was probably more like real ownership than either.

The difference between the soldiers and the priests was that the former were in no sense a privileged class; even under the foreign rulers, whose mercenary troops were settled in military colonies, occupying collectively the lands granted them, generally at the expense of some temple, the position of the soldiers was still so little better than that of the peasantry, that, as we have seen, they are mentioned among the persons to be excused from corvées on the ground of poverty. And we have no reason to suppose their status to have been inferior to that of the native Egyptian troops.

The fact is that the natural bent of the people was pacific, and for that very reason alone they do not magnify or idealize the profession of arms; they even depreciate the valour of their soldiery as unduly as other nations exalt the same quality in their champions. To say nothing of the aggressive campaigns of the greater kings from Senoferu to Sesostris, it is significant that so fertile a country should have suffered so little from either the reality or the threat of foreign conquest. The partial conquest of the so-called Shepherd kings is the only break in over three thousand years of independence, and this by itself is enough to prove that the national spirit was neither broken by oppression nor relaxed by luxury. Even as late as the days of Crœsus, the Egyptian troops retained their quality, and they are mentioned by Xenophon as the only soldiers on his side who successfully resisted the Persians; and in this, as in other respects, two thousand years more have seen little change in the moral and physical qualities of the native dwellers by the Nile.

Egyptian private soldiers have faced British fire and steel more gallantly than could have been expected from undisciplined men without leaders, and the military qualities which they have displayed under the most unfavourable circumstances in the Nineteenth Century enable us to credit the infantry of the Nineteenth Dynasty with, let us say, all the docile stubbornness which makes a Russian army formidable. Like the Chinese, the Egyptians are not fond of fighting, but, like them, under patriotic leaders they are more than a match for all but the most warlike of uncivilized nations, and are as formidable as these to the representatives of modern civilization. Under English officers, they develop an enthusiasm for military drill,[1] and are a match for Arabs. The modern Soudanese love fighting, and have the same curious aptitude as the Ghoorkas for attaching themselves to British officers and fraternizing with British privates, so that they are still ideal auxiliaries for an Egyptian ruler.[2]

The contempt in which the scribes hold the calling of the soldier is, by itself, an evidence that the army did not rank in popular esteem as a third

[1] This at least is nothing new. Amenemheb, a general of Thothmes III., would have delighted the heart of a German Emperor by his ideal of military efficiency. "Behold," he says to the king, as his officers march past in review, "behold the strikers of the double land. . . . We form a perfect whole, making but one mouth, one arm, one hand: all the soldiers [keep their rank?] without a single one departing from it." (*Mém. de la Mission Arch. au Caire*, v. 2, 221.)

[2] *England in Egypt*, by Alfred Milner, p. 182.

estate of the realm, coeval with the priesthood and sharing with Pharaoh himself the overlordship of the whole country. The case of China affords a parallel, which may serve to explain how, even under warlike kings, the military calling can continue to occupy a subordinate place in the minds of the ruler and the nation. Both Egypt and China were important States, nationalities imbued with a strong sense of their own superiority, and neither unable nor unwilling, if necessary, to secure their own predominance by force of arms. But the superiority on which they prided themselves most is mainly intellectual; and the highly cultivated literary class, in whom this superiority is strongest, naturally looks down upon the coarser type of those who meet the barbarians with their own weapons.

## CHAPTER VI.

### *THE NATIONAL RELIGION AND THE PRIESTHOOD.*

#### § 1. The Worship of Animals and Natural Forces.

The caste theory of land tenure is more nearly accurate in what concerns the priesthood than the soldiery, but even in this case so many qualifications have to be made, that it seems scarcely worth while to choose such a term to describe the provision made for the Worship of the gods, the Commemoration of the dead, and the maintenance of the Priests. All authorities, from Herodotus to the Pentateuch, agree that the priests enjoyed some special privileges; but these did not always take the same form; and the earliest endowments or gifts of land for religious purposes concerning which we have authentic evidence, seem to appertain rather to tombs than temples, and are destined rather to secure the continued commemoration of the dead than the worship of the gods or the maintenance of the priests employed in such worship.

The religion of Egypt in the earliest ages was much less theological than afterwards. The primitive religion of Central Asia probably consisted of a kind of nature worship, associated with, or developing into, a worship of the "spirits" of real things. This is the religion of the Chinese Classics, and to this day no other belief is recognised as orthodox within the Middle Kingdom, where primitive rationalism still forms the religion of the learned. Under Semitic influence, the spirits worshipped by the ancient Babylonians on the one hand grew into or were superseded by gods, and on the other were degraded into symbols only used to conjure with. In Egypt we find slight and scattered traces of the worship of spirits connected with the early simple nature worship, as in China we meet with obscure traces of a primitive worship of animals. One of the maxims of the scribe Ani declares that "When the crops in the fields perish, the spirits are earnestly invoked;"[1] and the spirits referred to in this passage can only be those of "the land and the grain," so frequently appealed to in the Chinese classics. In another text we read that the good spirits "flood the arable land yearly, and deliver the waters of the inundation to the back lands;"[2] and, if the name of the ancient Alexandrian festival, called "the purification of the spirits," and described as a sort of Saturnalia—reproduced the original Egyptian designation, we may claim that also as a survival of the

[1] *Maxims of Scribe Ani*, 52.
[2] Brugsch, *Hieroglyphisch-demotisches Wörterbuch*, vol. vi. p. 476.

prehistoric religion. The sacredness of certain trees[1] and plants in Egypt no doubt dates from the same period, as well as the more familiar and characteristic feature of Egyptian religion, the worship of animals.

The earliest known figures of sacred beasts are cynocephali, found in the same temple as the statues of King Khafra,[2] and there are so few monuments of any kind earlier than this, that we may fairly assume the worship of such deities to be as old as any part of the national religion. Advocates of the African origin of the Egyptians have of course claimed the prevalence of beast worship amongst them as a fetishistic survival, though inanimate fetishes are more common than live ones. But if the Egyptians brought their gods from Babylonia, where the worship of man-headed bulls, lions, eagles, and the like grew up, all that we should have to explain would be their preferring to worship the animal portion of the deity under the figure of a live animal, instead of a mongrel image. What is called the Totemistic theory would apply the same explanation to Egypt and Babylon, and assume both the sacred animals and the beast headed gods to have acquired their sacredness in prehistoric times, when the future nations were divided into clans, named after a supposed animal ancestor. The real question is, whether such theories are necessary to account for the worship of animals by a civilized and intelligent people; since apart from such necessity there is nothing in Egyptian records to suggest it, so that the fact of different animals being held sacred in different nomes does not help us to decide why some animals were sacred in all.

The Egyptians of history were as far removed from savagery as ourselves, or even chronologically further; and they might boast that their civilization, such and so old as it was, was of their own making, while no one can tell what the barbarians of the West owe to Rome and Greece—who borrowed their art, their letters, and some glimmerings of forensic humanity from Egypt and Chaldæa—as well as to Semitic religion, which again owes much of its morality to the wisdom of the great pre-Semitic civilizations. The most rational and sensible explanation we can imagine or invent is not likely, therefore, to be too sensible for the founders of civilization, and we are almost certain to be wrong in any interpretation which credits them with more than our own normal share of stupidity.

Primitive man, whether we think of him as an ancient sage or a modern savage, forms a view of life and nature in accordance with his own conception and experience of both, and these naturally and justifiably differ very much from ours. In no case is this more true than in all that concerns his relations with wild and domesticated animals. The distinction which is now a commonplace, between human reason and the more or less intelligent instinct of other animals, is no more self-evident than that between animate and inanimate nature. Some of the things that "move themselves," as the Egyptian lawyers put it, do so consciously, and

[1] Dr. Schweinfurth, I am informed, considers the sacred trees of Egypt to be all natives of Arabia.

[2] Maspero, *Egyptian Archæology* (Eng. tr.), p. 63.

others not; some with a recognisable and apparently reasonable purpose, and others not.

There are many non-human forces in nature, by the action of which mankind is affected in various ways; and it would have been rash, rather than scientific, for the first generation of philosophers, with no records of other times or places for a guide, to take for granted that human forces were the only ones open to the influence of human motives. For instance, if I have built a hut upon a hill and cut down a tall tree by it, and my hut is shortly struck by lightning, what more rational hypothesis can I frame—if I am rationalist enough to require some explanation of the fact—than the obvious one that the thunder is angry when tall trees are felled? When one knows nothing, absolutely nothing, about thunder and lightning, it is more natural, and on the whole more reasonable, to suppose that things which speak and move are alive than not; nor is it puerile to suppose that other things, like men, mean what they do.

China shows us natural religion in its simplest elements, the worship of Heaven and Earth, based on the assumption that heaven and earth *intend* to enable mankind to grow grain. But the habit of generalizing must have made some progress before either earth or heaven are thought of as constituting a single, separate agency, and the primitive multiplication of gods arises from the number of distinct actions for which invisible agents are consistently imagined. After the recognition of the powers of earth and of thunderbolt-wielding, earth-shaking, cloud-compelling Weather Gods, the worship of animals, if dispassionately considered, may be taken to mark a real development of the theological faculty, in the selection of objects for more or less disinterested reverence, on the ground of their typifying human qualities.

The superiority of man to other animals, we must remember, is least marked while his purposes are most like theirs. If the object is to enjoy life and obtain needful food, the birds of the air and the beasts of the field have little reason to envy the featherless biped who struggles for his existence in their midst. Man on the other hand finds strength and swiftness, the qualities he most admires in his fellows, far more adorably developed in the eagle or the bull, the power of destroying enemies in the tiger or the crocodile, the power of escaping danger in the elephant or the fox, than in the strongest, swiftest, fiercest, wariest man. Besides his gratitude to the animals who prove serviceable to his needs, and his respect for those whose wrath is dangerous, he takes each animal, which displays any human faculty or tendency in ideal perfection, for the god or an emblem of the god of the quality in question. No doubt the result is that where animals are most used, most liked, and most considered, the primitive Pantheon runs some risk of developing into a menagerie; but all early religions are more or less idolatrous, and as idolatries go, the simple Egyptian worship of animals is not so exceptionally unreasonable that we need hesitate to accept its existence as an ultimate fact.

Men of a race growing into sturdy civilization are not stupid enough to

believe seriously that their own great-grandfathers were birds and beasts. Even savages do not as a rule expect their fetishes to do things contrary to nature, so far as they know it; and though the experience of primitive ages had not traced the limits of natural possibility as clearly as modern science has done, with the experience of a few thousand years to help it, yet the ancient Egyptians certainly knew that cats give birth to kittens and not to men and women. Ancestor worship formed a principal part of the national religion; the spirit of a real human ancestor, the thought or memory of him, which survives in the minds of descendants, is a real non-human influence, for which a dim religious reverence may naturally and reasonably be felt. Real beasts and real ancestors have each their adorable side; but an imagined brute ancestor does not exercise any real or natural influence in virtue of the imaginary kinship. If any beast is regarded as adorable, he will be worshipped on his merits, without the help of such a fiction; if he is not so regarded, there is no motive for the feigned ancestry.[1]

Real proper names, false etymologies, confused traditions, or the pre-existence of forgotten forms of animal worship may in many cases have given rise to the idea of a patron brute, which in some states of society may be transformed into a mythic ancestor; but Totemism, as an explanation of all primitive religion, is open to just the same criticism as philological Elementalism. It is not probable that the founders of civilization should have been exclusively pre-occupied with fictions, about either personified dawns and sunsets or about ancestral beasts; and so far from the improbability being established upon positive evidence, our earliest sources show us something quite different and far more intelligible. We find men reverencing, first of all the Sun god,—that is to say, the strongest non-human influence affecting their daily life,—and in the second place kings, cows, rivers, trees, and a variety of gods, represented with the heads of animals, and, to all appearance, symbolizing certain spiritual qualities, which had come to be associated with the animals; just as the dove and the lamb are accepted as sacred emblems in Christian allegory and decoration. Real animals are not deified; they are only held sacred, and of the

[1] "Respect for the cow," and "loathing for the pig," are said to be the beginning and end of the religion of a large proportion of the masses, both Hindoo and Mahommedan, in India. The sentiment is shared, irrespective of race and religion, in virtue of its fundamental reasonableness, and certainly owes nothing to Totemism. The Indians of North America, according to their last and very intelligent interpreter (*Pawnee Hero Stories* and *Blackfoot Lodge Tales*, by Geo. Bond Grinnell), call their patron animal their "dream," "medicine," or "sacred helper," but do *not* regard it as an ancestor. In the case of individuals the choice is a mere matter of chance or fancy, and the origin of tribal tokens may be of the same character, like that of many "taboos." Cf. Codrington, *Melanesians*, pp. 31–3. Foods are forbidden if an ancestor is supposed to have associated them with himself. Thus at one place in the Solomon Islands, the people would not eat or plant bananas, because, within human memory, an influential native "prohibited the eating of bananas after his decease, saying that he would be in the bananas." The older natives would still give his name, and say, "We cannot eat So and so;" but later on the explanation would be, "We must not eat our ancestor." Professor Sayce tells how an Egyptian engineer, not wanting in education or intelligence, recognised a white cat as *his* "medicine." (*Contemporary Review*, Oct., 1893, p. 530.)

two ways in which an animal may be held sacred to a god, the kindly Egyptians chose the kindest, and perhaps the most simply rational, though the rarest, way. That is to say, instead of killing their sacred animals in honour of the god to whom they were dedicated, they fed them and kept them alive in his honour.

Animals any way play a large part in the life of primitive man, and religious ceremonies naturally gather round the most familiar and important of every day experiences. Just as some races idealized the business of the feast and the slaughter house, making the death of beasts symbolize the destruction of evil, and the sacrificial feast a renewal of human zeal and energy, so Egyptian religion seems to have idealized the peaceful routine of the farmyard, and turned the feeding of domestic live-stock into a piece of ritual. They made pets of the cat and the ichneumon, and as religions take their colour from the secular tendencies of their professors, the Egyptians provided their gods with endowments for the support of a group of pet beasts, instead of only temples and human acolytes.

In historic China there has never been much room to spare for the lower animals, and we find nothing answering to the Egyptian sentiment about them. All the more importance therefore attaches to a single passage in the Li-ki, bearing on the worship of animals, which must be of really ancient origin, preserved in spite or perhaps because of its having become entirely unintelligible; as it must have become, not merely before the compilation of the classic in its present form, but before the time of any comments on it by authorities of the Chow dynasty, such as survived traditionally in some cases till the Han period, with which the virtually continuous stream of commentation begins. In the description of a great sacrifice made by the son of Heaven, apparently as a sort of harvest festival, offerings were made to the legendary inventors of the different grains and arts of husbandry, and to the representatives "of the birds and the beasts." The text proceeds: "The ancient wise men had appointed all the agencies, and it was felt necessary to make this return to them. They met the (representatives of the) cats, because they devoured the rats and mice (which injured the fruits of the fields), and (those of) the tigers, because they devoured the (wild) boars (which destroyed them). They met them and made offerings to them. They offered also to (the ancient inventors of) the dykes and water channels; (all these were) provisions for the husbandry."

The words in brackets are somewhat of the nature of a gloss, but taking the text in its utmost brevity, it shows that the most utilitarian and rationalistic of races, according to a tradition, of which its conservatism guarantees the extreme antiquity, rendered quasi divine honours to cats and tigers, because they devoured the rats, mice, and boars of the fields. The worship of human benefactors and remote ancestors, legendary or historical, exists, together with the worship of birds and beasts, as some-

[1] Li-ki, book ix., sect. 11. *Sacred Books of the East*, vol. xxvii. p. 431 ff.

thing quite distinct, and resting on a totally different class of motives. "All things originate from heaven; man originates from his (great) ancestor." Therefore a legendary Minister of Agriculture was associated with heaven in another sacrifice, the purpose of which is described as "an expression of gratitude to the source (of their prosperity) and a going back in their thoughts to the beginning (of all being)." The value of this evidence will be better estimated hereafter, when we have become acquainted with the extreme accuracy and self-consciousness of practical philosophy in China; but it must be regarded as at least possible, that the motives of which the Chinese were conscious, as leading them to worship cats and other animals, may have operated among the Egyptians where the same result was reached.

The persistence of the trait after its theological foundation had exploded shows it to have been, to a considerable extent, a matter of temperament. Herodotus mentions, as one of the national peculiarities, that the Egyptians had animals to live with them, in other words that they kept domestic pets; and according to Lane they are still fond of and kind to animals, especially in those parts where Frankish influence has been least felt. Lady Duff Gordon observes: "The sacred animals have all taken service with Muslim saints, one of whom reigns over crocodiles at Minyeh."[1] According to her, Amon Ra calls himself Mar Girgis (St. George), and Osiris holds his festivals with the old notoriety at Tauta, in the Delta, under the name of Seyyid el Bedawee, while cats are everywhere as sacred as ever, and their slaughter regarded with superstitious horror.[2] One woman tried to bury a cat with all the religious rites due to a Muslim. Another, called "the mother of the cats," used to follow the Mahmal to Mecca with five or six cats perched on her camel; and we catch a glimpse of the same unconscious worship of the goddess Bast in the middle ages, when the famous Sultan Ez-zahir Beybars, who ascended the throne of Egypt in 1260 A.D., bequeathed a garden for the benefit of the cats, who, down to the present century, were fed in Cairo at the expense of the Kadi.

Favourite animals, as well as dear friends and trusted servants, are represented in the tombs of the ancient monarchy, and were thus evidently counted among the precious things of life, without which existence was scarcely to be conceived or desired. Khafra-ankh is accompanied by a dog,[3] and in some of the tombs gazelles and even hyænas are represented as domesticated. The wall pictures in the tomb of a king of the Eleventh Dynasty show us his favourite dog and six others, by name, perhaps those who enjoyed in succession the place of favourite, since even the ancient

[1] *Letters from Egypt*, p. 94. 5. A little above Tahta, Sheikh Heredi, a miracle-working serpent (who, to the knowledge of European travellers, has been worshipped continuously since 1714), represents the healing serpent god or Agathodæmon of ancient Egypt. And fire-breathing and flying serpents, like those of the Theban tombs, are still believed in by all classes. (*Contemporary Review, loc. cit.* Cf. also Maspero, *Revue de l'histoire des Religions*, xix. 5.)

[2] *Last Letters*, p. 90.

[3] *Denkmäler*, ii. 9, 11, 36, etc.

Egyptians must have been subject to the same curse as other dog lovers, in having to transfer their affections several times in their life from one four-footed friend to another. The ichneumon, which preceded the cat as a domestic scarer of vermin, evidently did not possess the same individuality as the dog, but its little tricks were regarded with complacency, and it is often to be seen in the pictures, either climbing up a lotus stalk, which bends with its weight, after a bowl of milk, or in other graceful or comic attitudes.

Horses are not represented on the monuments of either the ancient or the Middle Empire, and they are consequently not sacred to any god; but the personal regard evidently felt for them, even by Pharaoh himself, is an additional proof that the Egyptians had made considerable progress towards the modern refinement of feeling which recognises the lower animals as fellow creatures. The laureate of Rameses II. has immortalised his pair of chariot horses, "Victory in Thebes" and "Mut is satisfied," who alone with Menna the charioteer, stood by him in his great battle with the hosts of the Khita. "I will let them eat corn before Ra daily, when I am in my royal palace," says the grateful king,[1] and the recognition of the individuality of the steeds seems to imply that they will recognise the honour done them. And one is tempted to recognise something of the same feeling for the horse as a companion, rather than the mere complaint of an injured stock owner, in the inscription of Piankhi, which expresses his sentiments on discovering that a certain Nimrod, king of Hermopolis, had allowed the foals and horses in the royal stables to starve. "By my life, so may Ra love me, it is a viler thing to my heart to let the horses starve than all the other faults which thou hast committed."[2]

Each nome had a god of its own,[3] and at first, perhaps independently, a sacred animal, which, as the old nature worship was superseded or overgrown by a mystical theology, came to be regarded as an emblem of the god, or at least as sacred to him. The principal figures in the pantheon appear in several districts; thus the goddess Hathor (the cow-headed) is the patroness of five nomes, Amon Ra was reverenced in four, Khnum and Horus in three, Thoth and Anubis in two. To love the king and the god of his nome was among the virtues men claimed in their self-inscribed epitaphs.

The endowment of the gods and the sacred animals naturally followed the same lines, and we have only given precedence to the case of the animals, because this side of the national worship seems to connect itself with that earlier stage of religious belief, in which endowments were non-existent and unnecessary. The worship of the Nile as a god belongs to the same group or cycle of religious ideas. There were two chief festivals connected with the inundation, one held when the river was supposed to

[1] Brugsch, *Hist.*, ii. 60. *Records*, ii. 75.
[2] *Records*, ii. 91. Chabas, *Choix de textes Egyptiens*, p. 47.
[3] The great Harris papyrus describes fourteen deities, among those to whom gifts were made, as the gods of particular cities.

come forth from his two chasms, *i.e.* to begin to rise, and the other when the inundation reached Khenmut or Gebel Silsileh. The "laying aside of the Nile book"[1] was also an epoch to be noted, and probably marked the end of the rising, when there was nothing more to register, or perhaps rather the end of the subsidence, when it was apparent which lands had received a share of the waters. The close connection between the great river, agriculture, and the welfare of the State, was fully recognised and exalted into the position of a religious truth.

In a hymn to the Nile of the reign of Minephtah, in the Nineteenth Dynasty, the solidarity of heaven and earth is acknowledged with quite primitive simplicity: "He (the river) produceth grass for the oxen, providing victims for every god;" and again: "Giving life to men by his oxen, giving life to his oxen by the pastures, shine forth in thy glory, O Nile!" The life of men and the worship of the gods alike depend upon the fruitfulness of nature, but it is the adorable fruitfulness of nature that first suggests to man that the spirits of the natural world are at once beneficent and uncontrollable, or in other words, divine. Another hymn to the Nile, of the reign of Rameses II., is a serious idealization of the divine fertilizing influences of nature: "all teeth get food" by their help; the poor work and enjoy abundance, the rich rejoice in the common weal and worship the invisible, unportrayed divinity. "The householders are satiated with good things; the poor man laughs at the lotus"[2]—which he is obliged to gather for food in time of scarcity. Wiser in this than some of our modern economists, the Egyptians knew that comfort and industry went together; and so it is said of the River, thus recognised as the dispenser of abundance: "idle hands he loathes;" and again in the Ritual: "Ra, the giver of food, destroys all place for idleness."

Agriculture evidently owes some of its sacredness to the kind of partnership which exists in it between man and the powers of nature. A solemnity of feeling attached to all the rites of cultivation, which may be measured by the extent to which images are drawn from them, to illustrate the condition of the elect souls in the fields of Hades. "Take the cord, draw, measure, in the fields of the Manes. . . . Ra creates your fields and appoints you your food, eat! . . . Ra says to them: Holiness to you cultivators, who are the lords of the cord in the Amenti! Oh, settle some fields and give to the gods and the elect, all of them what has been measured in the country of Aahu."[3] Elsewhere in the Ritual, the deceased, in the character of Horus, describes the filial services he has rendered to his father Osiris: "I have worked the fields for thee, I have filled the wells for thee, I have hewn the ruts (? canals), I have supplied thee with water, I have drilled the holes for thee. I have made thy bread from Tu of red

[1] *Records*, x. 41.
[2] *Records*, iv. 107 ff. *Records*, N.S., iii. 48 ff.
[3] *Records*, x. 79. Cf. Pierret, *Livre des Morts*, i. 22; vi. 3; xii. 2; xviii. 21; lxiv. 23; cxx. 2; cxxix 9. The last passage is very interesting: "Writings are with thee which show *the proportions of the field sown with corn* from its beginning to its end;" *i.e.* in Egypt, as in Babylonia land was measured for sale by the corn used in sowing it.

corn, I have made thy drink" (the native beer still used by the Nile boatmen, the "barley wine" of Herodotus) "from Tepu of white corn. I have ploughed for thee in the fields of the Aahu, I have mown it for thee there." The "Feast of Hoeing" mentioned in the first chapter[1] shows similar associations, and probably refers to some ceremony akin to that by which the kings of China pay their worship to heaven and earth.

Harvest festivals belong to the natural religion of every race and nation, and the dedication of the firstfruits, which we find to have been an established institution in the Thirteenth Dynasty, was most likely associated with such celebrations from a very early date. But undoubtedly the first branch of Egyptian religion to become associated with proprietary ideas was, as already stated, that which also constitutes the leading feature of Chinese religion, namely the worship of the spirits or manes of deceased ancestors; and the endowments, afterwards devoted to the worship of the gods, seem to have followed the precedents set in the first instance for the maintenance of purely domestic rites.

## § 2. The Worship of Ancestors and Property in Tombs.

Egyptian kings were naturally the first persons to have their memory honoured and preserved by posthumous worship. Ancient inscriptions mention a "Priest of King Sent" (Second Dynasty), and a "Priest of the temple of Nebka" (Third Dynasty); and one of the earliest surviving monuments is that of Amten, an officer of Senoferu, who had charge of the tomb of that king's mother. A little later, we find Khafra-ankh, described as priest of the Pyramid of Khafra, while in private tombs of the same (Fourth) Dynasty the wall pictures represent servants, presenting to the deceased the produce of "the northern lands of the tomb" or the "domains of the tomb;" or sons and scribes, making out an account of the tribute "brought from the domains of the eternal dwelling-place."

These inscriptions, which recur throughout the Fifth and Sixth Dynasties, seem to enumerate the estates set apart to provide the funeral offerings to the spirit of the departed; but as, in later times, the dedication of lands to spiritual uses did not involve more than the surrender of a tithe of the produce, we are not obliged to suppose that the enormous number of cattle and produce of all kinds indicated in the wall pictures were to be devoted exclusively to such a purpose; indeed, had this been so, the service of the dead would in a few generations have absorbed all the wealth of the living. But except in the case of kings, ancestor worship is seldom kept up with much real piety for more than a generation or two. The more anxious a dutiful son is to honour the memory of his deceased father, the less zeal he has to spare for rites in honour of that father's grandparents. Besides, whatever may have been the effect of assigning lands to the eternal house, the *same* lands could not be reassigned indefinitely in successive generations, since ancestors multiply even more

[1] M. Renouf's translation, *P.S.B.A.* (Mar. 1892), p. 214.

certainly than descendants. The inscriptions prove the existence of a time when funeral sacrifices on a large scale were offered to the manes of the rich, but the lavishness of the pictured offerings suggests a doubt as to their reality; and, on the whole, the most probable theory is that the cattle, birds, fruit, bread, wine, and provisions represented in the pictures were intended to be a substitute for the real objects.

In China, within historical times, it was common for valuables to be buried with the dead or destroyed in their honour at the funeral, and it was only after such expenditure had become so burdensome as to be restrained by law, that the quaint economy of burning paper representations of money and other valuables came into use. Herodotus describes the resort to a similar expedient in Egypt, at the feast of the moon, when those who were too poor to provide the customary sacrifice of a pig, baked pigs of dough and offered them instead; and there is therefore nothing improbable in supposing a similar economy to have been exercised in relation to the deceased.

When we make the acquaintance of the Egyptians, the art of preserving the bodies of the dead was still of such recent invention, that the title of "embalmer" is included among those of a "royal, legitimate son."[1] The idea of securing a sort of immortality to the departed was therefore comparatively new, and the theory of the "kha," or immaterial double of the deceased, though met with in a Third Dynasty inscription,[2] does not seem to have acquired its full importance till later.[3] It is very doubtful whether, by the words which we render "spirit," primitive man meant anything at all answering to the modern idea of ghosts. The anthropomorphism of the political nations is scarcely primitive; the "spirits of the land and the grain" invoked in China, bear no resemblance to the spirits of the woods and waters called into being by Greek imagination; the one conception is philosophic and rational, while the other belongs to the domain of polytheistic fancy. The founders of civilization meant, by the spirit of a thing, exactly what a modern rationalist, whose vocabulary is not narrowed by prejudice, would mean; namely, the sum of its immaterial influences and effects.

A list of gods derived from the Sixth Dynasty includes such abstractions as Life, Joy, Truth, the Year, Eternity, Long Time, and the like;[4] and it is really easier to suppose that such things of the mind were believed in and reverenced in their obvious spiritual or intellectual sense, rather than as mere personifications of the objects of thought. A religion including such deities was no doubt too difficult for the many, and accordingly Truth, Eternity, and the Five Senses are nearly the only deities of this type

[1] *Denkmäler*, ii. 19. [2] *Journ. As.*, 8th Ser., xv. 307.

[3] For versions of the funeral texts found in the pyramids of Unas, Teti, Pepi I. and II., and Sokarimsef, see Maspero, *Rec. de Trav.*, i., iii. and x. The dominant ideas are purification of the dead, as such, and the attainment of a sort of life beyond for the double, by a mystical identification with the gods through the formulæ said on his behalf, and a mystical enrichment of this after life by the offerings made to the spirit or to the gods in his name.

[4] *Ægyptische Geschichte*, A. Wiedemann, pt. i. p. 53.

who continue to appear frequently in the Egyptian pantheon. But the wise and subtle men of letters who distinguished, among fit objects for human reverence, the thought of the Present, the year that is passing, the long Time through which men can look forward or behind them, and the infinite Forever of speculation,—such men as these were certainly not influenced in their pious commemoration of the dead, by the fear lest the unpropitiated ancestor's ghost should "walk," with baleful designs against the health or safety of the survivors. A race of affectionate fathers thought of their dead selves as still wishing for tokens of loving ministration from their bereaved families, and the customary rites embodied this feeling.

In China the reverence given to the spirit of a deceased ancestor is paid to the memory which his descendants retain of him, and the posthumous existence, thus secured to the spirit, is as nearly as possible the same as what Comte calls the subjective existence, enjoyed by the departed in the minds of survivors. This worship is the result and evidence of the reality of filial piety among the Chinese; the power of realizing the existence of deceased ancestors has been deliberately cultivated as a religious duty; and the emperors, the descendants of Confucius, and any one else with a well-known line of ancestry, will recognise the obligation of embracing all these kindred spirits in the same acts of commemorative devotion. But the thirst for immortality, though not unknown in China, is regarded as a weakness to be resisted rather than proclaimed. Accordingly, when the Chinaman thinks of his future, his fancy dwells on the pleasant image of many sons and grandsons gathered in the ancestral hall to perform the usual rites, but he does not picture to himself his own presence, either as enjoying the offerings or hovering hungrily round the human circle which he cannot enter.

The Egyptians, on the other hand, were passionately fond of life, and they had not cultivated that refinement of disinterestedness which makes men content that the world should go on without them, if it goes on well. Filial piety was perhaps as real as in China, and the dead were not less dependent on it for due performance of the customary rites; but the living Egyptian cared more for his own future than for his children's, and more therefore than he could expect them to care; hence his eagerness to provide an indestructible shell for the spirit, which he thought of as outliving his body; and an inviolable sanctuary for this, his spirit's resting-place. The notion of a spiritual double, which might at will slumber in its own mummy or wander disembodied in the fields of the West, after passing through all the dangers of the Under World, was only arrived at by degrees. The original idea was more confused, and yet in a way more simple.

All that human art could do was to preserve a sort of simulacrum of the body, and, on the whole, it was natural and convenient to provide an imitation body with imitation food and drink. The most devoted children could hardly be expected to bring fresh meats to the tomb every day, but the pictured offerings were always there; and in the early days of art, while there still seems something half miraculous in the power of representing

real thoughts and objects on a silent wall, such a substitution of the shadow for the reality carried with it no suggestion of insincerity or disrespect. On the contrary, the man who, perhaps five thousand years ago, superintended the execution of the mural pictures which we still admire, was himself providing a very real and costly offering to his own manes; and he had no reason to suppose that this, which satisfied his own imagination while he lived, would be otherwise than acceptable to as much of him as might survive the death and embalmment of his body.

There is thus very little doubt that, in the case of private persons, the offerings of infinite number and variety represented in the mural pictures were intended as a substitute for the things themselves, or a picture of the same things as imagined to exist in the shadowy Under World. The children inherited the real produce of the objective estates; the spirit was indulged with the subjective produce of the pictured fields and hunting grounds. The "workmen of the eternal dwelling"[1] sing as they plough visionary fields for the spirit who loved glad service in his life; and when, in later dynasties, a change comes over the spirit of the monuments, the gods themselves are not expected to be more exacting than the dead. The future of the soul came to be thought of as depending more upon the justice or mercy of the divine powers in the Under World than on the piety of human posterity; but these powers were evidently expected to be propitiated by the wall pictures, which show the deceased in the act of offering them worship, or as dedicating to them the produce of the imaginary fields.

The above view is confirmed by the absence of similar decorations from the pyramids erected by kings who did, in fact, bestow lands and money, during their life, for the endowment of their own posthumous worship. The silence of the early inscriptions concerning gifts to the gods (apart from funeral sacrifices), mention of which becomes a stock formula in and after the Twelfth Dynasty, shows conclusively that the ancient kings of Egypt, like those of China, did little to subsidise any worship save such as was rendered at their own ancestral tombs. Not even a king, however, could expect to have his worship kept up in remoter ages, when his memory had paled before the fresher glories of his last descendants, unless some living guardian or representative of his fame could be enlisted and given an hereditary interest in the perpetuation of his rites. In other words, it was vain to endow a tomb or temple without providing a body of hereditary guardians or curators of the same, that is to say, an hereditary priesthood charged to carry on the worship out of the revenues provided for the trust. The provision made for the priest attached to such worship was as it were, an accident, not involving any tribute to the sacred character of the ministrant.

In China there is no natural connection between Buddhism and ancestor-worship, rather the contrary; yet a desire for the same result has suggested the use of similar means, and, since only an endowed corporation can be expected to keep up the same practices from age to age, some families in the

[1] *Denkmäler*, ii. 51.

neighbourhood of Peking have founded large Buddhist monasteries, the monks of which hold their fee on condition of keeping the family burial-places of their patrons in order. A more usual and more orthodox arrangement is to place a family of slaves in charge of an ancestral burial-place, giving them land enough in its immediate neighbourhood for their own support and leaving them to provide for themselves, their work as caretakers being of course only occasional and light. Egyptian donations in land and slaves for maintaining the service of tombs or temples were no doubt exactly of this character; and until the worship of the gods attained its later development, there was as little inducement in Egypt as in China to provide for the endowment of a priesthood, except so far as the divine character of the kings caused the guardians of their tombs to take priestly rank from the first.

Even if we were wrong in supposing the endowment of tombs to have preceded that of temples, it would nevertheless remain certain that, throughout the long course of Egyptian history, the revenues of the priesthood were derived from two distinct sources; and that there was not much difference between the importance of the two, in their relations to the proprietary institutions of the country. Over and above the share in the land and other wealth of the country which they received as owners or trustees of the temple estates on behalf of the gods, there was an equally certain and perhaps not much less considerable revenue to be derived from the piety of private persons, who entrusted to them the duty of performing the sacrifices or making the offerings considered necessary for the well-being of their departed relatives.

There are three important examples of private endowments, dating respectively from the Twelfth, the Thirteenth, and the Eighteenth Dynasties, the provisions of which throw a good deal of light incidentally upon the position of the priests, their relation to the Government, and their rights as landowners. The first of these foundations no doubt resembled the endowments bestowed by earlier kings upon their own pyramids or a favourite temple. Khnumhotep, whose tomb at Beni Hassan[1] has been frequently described, celebrated his accession to a governorship by the foundation of a sort of ancestral temple, with an officiating priest, to whom he gave donations in "lands and peasants," and who was charged to provide funeral offerings for all the feasts of the Under World. These are enumerated at length, and include monthly and bi-monthly feasts; feasts at the beginning and end of the year, at the summer and winter solstice, at the five intercalary days of the year, and some others. The inscription recording the foundation concludes with an imprecation against the priest or any other person who may cause these observances to cease: "May he not exist, and may his son not sit in his seat."[2]

[1] In this inscription, after boasting how he has made his own name to flourish eternally, Khnumhotep adds: "he made the names of those under him to flourish as he represented them there in their offices"—an expression which proves that such representations had the significance ascribed to them, *ante*, p. 82.

[2] Brugsch, *Hist. of Egypt* (Eng. trans.), vol. i. p. 151.

The story of Saneha, though not strictly historical, may be accepted as evidence of what great personages in the Twelfth Dynasty were supposed in the Nineteenth, when the narrative was classical, to have regarded as the crowning honour of a fortunate career. After his return from Edom, Saneha receives from the king the gift of a dwelling-place, and enjoys meals sent to him three or even four times a day from the palace; but the chief favour conferred on him is the building for him a stone pyramid "among the Funeral Pyramids," with designs carved and executed by the chief artists of the king; and when this was completed, an enclosure with fields and peasants to cultivate it was also assigned by way of endowment. Khnumhotep, as a feudal magnate, was buried on his own ground among his own people, but landless officers or favourites of the king might look forward by his favour to the same kind of posthumous distinction.

We do not know at what date the funeral offerings and libations ceased to be made by the children of the deceased, but some time between the Ancient and the Middle Empire it seems to have become usual for the family to employ professional assistance, and the change was very probably promoted by the increase which took place, during the same period, in the number of the hierarchy available for such services. The hieroglyph for priest represents a figure making a libation, showing that the performance of this ceremony was their chief and distinguishing function.

A very curious and instructive series of contracts, referring to the endowment of his memorial statues, by the nomarch of Siout, in the Thirteenth Dynasty, has been published by Dr. Erman.[1] They are ten in number, some similar in form, but varying in the amount of the goods assigned. They describe the agreements entered into by the nomarch with three classes of priests; namely, those of the Necropolis, of Anubis, and those of Apu-at. All are concerned with the honours to be rendered on certain feasts (partly the same as those mentioned by Khnumhotep) to five statues of the deceased, to be placed one at each temple, one at the grave, and one in the garden of his house. Processions, illuminations, and sacrifices are to be held at specified dates, and the priests undertake to praise and light up for him "as for their own noble ones." The transaction is represented in the form of barter, such and such loaves, etc., for the statue, in return for such and such an assignment of his hereditary interest in such beasts or loaves. The different sources of the property to be ceded are described in full. The nomarch distinguishes what comes to him "from the house of his father" and what from "the house of the prince," the latter term being understood to refer to the lands and rents forming the revenue of the nomarch's office. What small donation he proposes to make from the latter source is conditional on the goodwill of his successors, and might be revoked by them. He seems, however, not to expect this to occur; and it is possible that public opinion in all classes was so much in favour of memorial foundations, that kings and princes were generally willing to waive their

[1] *Zeitschrift fur Ægypt. Sprache und Altherthumskunde*, 1882, p. 159 ff. *Æg. u. Æg. Leben*, p. 140.

fractional rights over property alienated for such purposes. Both the hereditary and the official property include lands, people, cattle, gardens, and "all things;" the nomarch, for instance, is entitled to a thigh from every beast slain for sacrifice in the Necropolis, and to a share in the offerings of the temple.

Our particular nomarch[1] is himself a priest, and as such, had an hereditary interest in the temple revenues of bread, meat, and beer. The priest is such by birth (if he pleases), while the nomarch is often, as in this case, nominated to his office by the king; but the nomarch is *ex officio* chief prophet, or "great first one of the Lycopolites," and he has a share in the sacrifices as such, apart from his hereditary interest in them. The ancestral property assigned consisted partly of land, and partly of "days of the temple;" that is, a fixed proportion of the fixed rations assigned daily, or rather yearly, to the temple. He explains that one-tenth part of the whole is a day; and, as he was one of ten priests, a tenth of this fraction would represent his share. In one of the contracts, he assigns this interest of his in twenty-four "temple days." The exact value of the "temple day" is 100 loaves and one vessel of beer, which we may therefore take to represent the rations of a priestly family. The donation, which is conditional on the consent of his successors, is that of a certain share in the firstfruits of a plot belonging to the nomarch, like that which every subject of Siout gives from the firstfruits of his harvest, so that, in effect, he proposes to make the princely land pay tribute to the temple.

The sixth deed is the most curious of all, for it is concluded between the nomarch in his two capacities. He is himself high priest of Apu-at, and representative, therefore, of the college to which he entrusts the care of his grave and garden. He sells his hereditary priest's share in so many "temple days" to the high priest (at the moment himself), and to the priesthood generally, in return for their engaging to perform the desired rites. It is supposed, from the style, that these contracts were concluded by word of mouth, and only a sort of abstract of them written on the walls; and it may fairly be conjectured that the chief prophet took advantage of his position in order to have them so written, and the permanence of the foundation thus further secured, since, down to the age of Bocchoris, private persons seem to have had no further witness or security for their dealings than the good faith of the priestly bodies, or memoranda of transactions voluntarily preserved by them.

The ordinary funeral sacrifices included the thigh of a bull, a gazelle, and a bird; and, in the latter days of the Egyptian monarchy, the provision for these offerings, and the usual loaves and libations, came to furnish employment and emoluments to whole classes of the priesthood. We see what kind of provision priests and nobles standing next in importance to the king considered desirable for the honour and welfare of their own manes; and with the popularization of the later theology, and the multiplication of something like a middle class, the collective demand for similar observ-

[1] His name is given as Hpt'faa.

ances, on the part of all but the poorest, reached extraordinary dimensions. As, however, the documents bearing on this subject all belong to the period of foreign domination, it will be more convenient to refer to them hereafter in their chronological place, when the history of the temple endowments under the native kings has been traced.

The third example of private endowment is interesting, because the precautions taken by the founder to secure its permanence show exactly to what kind of risk such endowments were exposed. It is furnished by an inscription of the time of Amenhotep III., by no less a person than the king's secretary and namesake, the great artist and engineer who erected the twin colossal portrait statues of the king, of which one bears the name of Memnon. This Amenhotep, surnamed the Wise, wished to found a family temple of his own to the god Amon; this temple he intends to "remain secure to his sons and daughters for all time, from son to son, from heir to heir," not, of course, for any secular use to themselves, but, in effect, as an ancestral temple, under the protection of "Amon Ra, the king of the gods, king in eternity, he who protects the dead."

The gift includes land and slaves for the service of the temple, who, with their descendants, are attached to its estate; and the dedicatory inscription goes on to stipulate, with a curious mixture of legal acuteness and religious solemnity, that if at any future time the temple is suffered to decay, or the slaves belonging to it are removed, then "the chiefs and secretaries of the assessment of taxes" shall intervene, and the whole place and administration shall be given up to Pharaoh – and the founder's soul will therewith rest content.

But the most awful imprecations are declared against the officers of the assessment if they fail to execute this charge, and against the high priests, the holy fathers, and the priests of Amon, if they make its execution necessary, by failing to protect this temple of Kak, or converting it to other uses than those contemplated by its founder.

The temple, thus carefully defended by curses on the one hand, and blessings upon all friends and protectors on the other, survived long enough to be restored under the Ptolemies, when Amenhotep, turned into a god of wisdom, was added to the tutelary deities of the spot. It was subsequently christianized in the name of S. Phebamon, and the shrine continued to be much revered down to the tenth century A.D.; and, what is still more curious, parents used to give their children as slaves to its service, to cultivate the lands belonging to it, and maintain its sacred lamp.[1] It may even be that, in some undiscovered Moslem garb, the spirit of the old Egyptian still enjoys some approach to the subjective existence which he was at so much pains to secure.

The appeal in this inscription to the officers of the assessment is of great value incidentally, as a tribute to the moderation of the revenue collectors, who were thought less likely than the priests to interfere wrongfully with the execution of the testator's purpose; while it also proves that the real

[1] *Cours de droit Egyptien*, p. 99. *Æg. Zeitschrift*, 1875, p. 133.

difference between sacred (and, no doubt, also military) lands and those of the common people was that the latter alone were liable for land tax.

These foundations were probably in no way exceptional, and the arrangements to which they introduce us may be taken as representative. A stele of the Twelfth Dynasty, in the Gizeh Museum, commemorates an hereditary prince Amenemhat, who was also a high priest, and had discharged the functions of a prophet; he speaks of having entered into arrangements with the prophets of Abydos, which the context, and the precedent of the nomarch of Siout, lead us to imagine must have referred to the maintenance of the stele. From the beginning to the end of Egyptian history, there seems to have survived the same inarticulate sense of the value of subjective existence, of the reality of possessions and enjoyments which were thought of by somebody in connection with the departed.

The Egyptian idea went beyond the ordinary primitive confusion of time and space, which supposes the spirits in another world to be able to taste the offerings presented to them in this. The things given to the *kha* or double of the man, according to the later monuments, are such as mortals themselves desire,—food and drink, the gathering of flowers, the tasting the sweet breath of the north wind, and to behold the sun and moon; and down to the Twelfth Dynasty, the gods are entreated to bestow all these things upon the deceased himself. But it is quite apart from any idea of human prayers, as likely to be granted by the gods, that friendly passers-by are appealed to, to wish these things for the dead. Life is called "the echo of the mouth," and the departed are supposed to live by the echo of the survivor's words. "You who rejoice in life, and as yet know not death," are often appealed to, as well as priests or prophets, who wish their dignity to descend to their sons, to remember the inmate of a tomb by name, and say a prayer for him to the gods, whereby their own name shall live long in the land. The stock inscription in funeral chapels warns all whom it may concern that: "If any one remove my name to make room for his own, God will reject him by destroying his image upon earth; but if he respects my name (*i.e.* the name upon the stele), God will do to him as he has done to me." The mere preservation of the image or the name was an advantage in itself.

There is a memorial inkstand in existence, with an inscription adjuring every one who uses it to say: "Oblation of a thousand loaves and drinks to the person of the noble chief, grand minister of the interior of the lord of the two countries, Psar, the beloved of Thoth;" and in re-committing these words to the press, from the Egyptian point of view, a service is being rendered to the spirit of Psar, wherein the favour shown him by the god of wisdom is still clearly manifest; for how, except by the grace of Thoth could the hieroglyphs of Egypt have been deciphered?

Even Christian converts kept to the aspirations of their ancestors. In a Coptic MS. of the twelfth century, giving an account of an Egyptian martyr under Diocletian, of professedly contemporary authorship, *i.e.* of the 4th cent. A.D., the holy father Isaac ends his last prayer with the truly

Egyptian petition: "that Thou wilt make the heart of him that shall voluntarily call his son by my name happy with joy; and that Thou wilt give part of the endless offering to him that shall make an offering at my tomb."[1]

The reason that there was so little progressive accumulation of wealth in Egypt seems to have been that each generation spent its own savings on its own tombs and temples; and this habit of dedicating surplus income to a comparatively disinterested, immaterial purpose helped to keep the greed for accumulation at the temperate point required for national security. If the rich and powerful had not devoted themselves to the preparation of an "eternal habitation" for their own remains, the brief lodging-houses of the living would have received more attention, and we should visit the ruins of ancient palaces instead of tombs and temples. But it may be doubted whether the palaces would have reached us in the same state of preservation as the temples.

A full proportion of the proverbial wisdom of the Egyptians lurks in the counsel, "Do not build thy tomb on thine own estate,"[2] where parsimonious relatives will be tempted to appropriate it at the risk of sacrilege; and the neighbourhood of a temple was considered dangerous for similar reasons. But the custom of dedication was too strong and wide-spread for any class to enrich itself by appropriating the gifts of others. A large proportion of the king's wealth was dedicated to the gods, and to the maintenance of their priests; the wealth of the priests was ostentatiously dedicated to the maintenance of the sacred animals; and, in fact, the only wealthy portion of the community that failed to lay out its wealth, so as to conciliate some other important interest, was that irresponsible portion which slumbered in its mummy cloths.

The violation and robbery of tombs seems accordingly to have been the most frequent and serious offence dealt with in the criminal courts. An important State trial in the reign of Rameses IX., of the Twentieth Dynasty, shows that a regular gang of thieves, with accomplices in the sacerdotal body itself, had been formed for the purpose of robbing the royal tombs. False informations were sometimes laid from malicious motives, and as the accused were examined under the bastinado, even a false accusation had its terrors. Besides carrying off the loose gold, silver and other valuables deposited in the coffin, the gold used in inscriptions or decorations outside the coffin, or on the funeral stele, was scraped off with a knife, though the names of the gods were usually respected from religious motives. The traces of fire often observed in ancient tombs are supposed to indicate that the coffin was burnt *in situ*, after being stripped of its valuables. A still surer sign of the frequency of the offence is furnished by the Ritual of the Dead, for among the forty-two sins, of which the dead are required to protest innocence, is that of stealing the property of the gods, or the sacrificial food, or tearing from the dead their linen wraps.

[1] *Transactions S.B.A.*, ix. 38. If not contemporary, the survival is only the more noteworthy.

[2] E. Revillout, *Cours de droit Egyptien*, i. 29.

Even in the present century, though the temptation to such sacrilege has become rare, Lane observed that when a corpse was wrapped in a Kashmir shawl, it was always rent, lest its value should attract thieves.

It is now generally understood that the ancient Egyptians were not a melancholy race, always pre-occupied with sombre theological conceptions, and over-shadowed by the thought of the ever-nearing tomb. On the contrary, they were a light-hearted, easy-going, affectionate people, taking life and death gaily, and enlivening both with simple festivities. Flowers played as large a part in their daily life as in that of the South Sea Islanders, whose clothing often consists of little else, and the trait is a significant one. Only those nations crown themselves with flowers for pleasure who have tastes of civilized delicacy, and who, at the same time, are guided by a general, more or less conscious resolve to give themselves all the pleasures they can by the indulgence of such tastes.[1] Familiarity with the idea of death and burial had made these incidents to some extent a matter of indifference, perhaps even of pleasurable interest. Instead of failing to enjoy their present life because of its anticipated end, they rather enriched it with a double consciousness of the life they had and the life which they imagined—and furnished with all desirable good things—for their future disembodied self.

During his own life at least, if not afterwards, the builder of a handsome tomb derived pleasure from its erection, just as the Chinaman, who has been presented with a very fine coffin, enjoys while alive the certainty of being handsomely buried when he is dead. When associations of this class have been systematically cultivated for millenniums, phrases about the uncertainty of life may be used with as much cheerfulness as any other commonplace. The expression "if we live" occurs constantly in the most ordinary business letters (like the "D.V." of a certain school of theology), and so does the phrase, "But who can answer for the morrow?" which frequently concludes a good report of stock or crops from a farm bailiff to his master. This constant sense of the uncertainty or brevity of human life or fortune does not necessarily lead to a grave and earnest appreciation of the present moment. It lends itself just as readily to the Epicurean inference, "Let us eat and drink, for to-morrow we die," or as the Egyptian phrased it: "Feast in tranquillity, seeing that there is no one who carries away his goods with him."[2]

## § 3. Proprietary Interests of the Priests as Undertakers.

The most curious form of ownership developed in Egypt is associated with this fatal and universal impossibility, though it originated with the essentially domestic character of Egyptian ritual, which may also have

[1] The flowers found in tombs, and presumably used for wreaths by the living, are for the most part cultivated, not indigenous; they come from Syria, Asia Minor, Persia, Mesopotamia, and even from Greece, India, and Ceylon—a witness at once to the Egyptian love of flowers, and to the wide range of the commerce by which they profited indirectly. *Kahun, Gurob and Hawara*, W. Flinders Petrie, p. 48.

[2] *Records*, iv. 115.

contributed to keep the influence of the priesthood within bounds during the whole period of national greatness. China has dispensed altogether with a national priesthood, because the only rites recognised by the national religion are those pertaining to the Worship of Ancestors and the Worship of Heaven and Earth; the latter of which is conducted by the Emperor, and the former by the head of the family within his own household. The funeral rites which played so large a part in the religious worship of Egypt were originally addressed more to the ancestors than to the gods, and their performance therefore would not necessarily have involved the intervention of priests, were it not for the technical skill and knowledge required in embalming. But the endowment of tombs suggested the endowment of temples, and both involved the endowment of priests; and later on the existence of this class, which possessed at the same time landed property available for cemeteries, and a monopoly of the art of mummification, resulted in the whole business of burying their fellow-citizens being handed over to them.

This was brought about in two ways. As in China, a custom, based no doubt on sanitary grounds, prohibited the interment of the dead within the populated towns or villages; cultivated fields were at the same time too valuable to be given up to unproductive uses, and also unfitted for the great object of preserving the body from decay. Kings and nobles could afford to carve themselves sepulchres in the rocky sides of the hills bordering the valley of the Nile, but for ordinary mortals the choice of a burial-ground presented serious difficulties. We have seen that Saneha depended on the liberality of the king for the site of his funeral pyramid; and when all land was either occupied or royal property, the difficulty would evidently require to be met by some expedient of general applicability, and susceptible of indefinite extension. In the Fifth Dynasty, when every one of consequence aspired to be buried in the City of Pyramids (Memphis), the available space became, in the course of centuries, so scanty that the tombs of former generations were encroached upon, or stolen out of hand. Towards the close of the dynasty, a magistrate of Nechent boasts—as of a rare distinction—that his grave lies on a pure spot, where no man's grave has ever been before, and that he has taken for it nothing that has ever belonged to another.[1]

In the Ancient Empire possibly none but members of the governing class aspired to the possession of an eternal dwelling-place; but a considerable proportion of the monuments at Beni Hassan, dating from the Twelfth Dynasty, belong to persons of private station, though considerable wealth. Persons of this class, who had no claim upon the king, naturally resorted to the priests; the temples necessarily stood on ground raised above the inundation; land which had no other value was available both for tombs and temples, and it is possible that both purposes were considered in the gifts made to the hierarchy. Any way, it is certain that in time the provision for a portion of the priesthood came to consist in their

[1] Meyer, *Geschichte*, p. 130.

ownership of ground used for interments, while it also became usual for the owner of the grave to be entrusted with and paid for the duty of making the funeral libations and offerings.

The organization of the Necropolis, or funeral quarter of Thebes, under the later empire is comparatively well understood—at least, so far as its administration and its relations to the Government are concerned. Under the Lagidæ we have copious documents illustrating the agreements entered into between private persons and the lowest orders of the priesthood, who played the part, as it were, of sextons and undertakers in Egypt. But M. Revillout, who has made this subject his own,[1] is of opinion that these deeds are all posterior to the destruction of Thebes, after its revolt, by Ptolemy Soter, and that they represent a usurpation of the ancient rights of the dispossessed priests of Amon on the part of the inferior branches of the priesthood, who were too obscure to attract attention or hostilities. Such an hypothesis has much to recommend it; it is at variance with no ascertained facts, and it obviates the necessity of assuming—what can rarely be assumed safely in Egypt—the existence of an abrupt break or change in the national customs.

All the great cemeteries of ancient Egypt resemble each other in situation, as the choice of all was determined by the same two considerations: a sufficient distance from the town to enable the processes of embalmment to be carried on in safety, and a sufficient height above the inundation to prevent the tombs from being flooded. The Necropolis of Memphis and those of Assiout and Abydos were situated at the foot of the Libyan chain. Those of Beni Hassan, Tell el Amarna, and the one above El Kab were similarly placed by the Arabian chain.[2] The sanctity of the spot and the fame of its temple determined the number of those seeking the privilege of sepulture in each locality. Abydos was the first great place of resort for all the rest of Egypt, and the city of the dead there bears a larger proportion to the size of the inhabited town than in any other case. With the growing celebrity of the temple and priesthood of Amon at Thebes, the funeral quarter of that city began to attain the remarkable extension to which various documents of the Nineteenth and Twentieth Dynasties bear witness.

The Necropolis generally had a wall of its own; the workmen employed upon the numerous industries carried on within it received daily or weekly rations, and took their orders from the priests, as the same class elsewhere did from private proprietors. The priests and servants of the temple were under the orders of the high priest of Amon at Thebes, the high priest of Ptah at Memphis, and of Osiris at Abydos. Nearly all the magistrates of the inhabited town seem to have had their counterparts or duplicates in the quarter of the west; there was a separate police for the Necropolis, and it seems doubtful whether these officers were subject to the authority

[1] *Zeitschrift fur Æg. Spr. u. Altherthumskunde*, 1879; *Une famille de parachistes ou taricheutes Thebains, ib.*, 1880; *Taricheutes et choachytes*, 3 *Nos. Revue Égyptologique*, 1887; *Les Papiers administratives du Serapeum.*

[2] *Rev. Égyptologique*, 1887, iv. 152.

of the nomarch or claimed to receive their orders from Pharaoh himself alone. In the strike referred to above, the workpeople appealed to the king, and an officer of the city was sent to report upon the riots, which the authorities of the Necropolis had failed to pacify.

The so-called Abbott papyrus describes a judicial inquiry, held during the reign of Rameses IX., into an alleged robbery of the royal tombs; and it appears from this that the relations between the secular ruler and his independent neighbours were not always of the most harmonious description. The proceedings began by two scribes of the Necropolis reporting to the nomarch that certain royal tombs within it had been plundered. The first commission appointed to inquire into the truth of these allegations was composed of the nomarch, an officer of the king, and the scribe of Pharaoh, who are called collectively the great magistrates. The result of their inquiry was to show that only one of the royal tombs had been entered; the others were all in good order: then a fresh charge was brought respecting the graves of the relatives of the king; but the witness in this case could only lead the commission to an empty, disused grave, and said he had never visited any other, so that again all the accused were acquitted and their accusers condemned for bearing false witness.

This result, though eminently satisfactory to the authorities of the Necropolis, was not convincing to the nomarch, and even at this distance of time there is something a little suspicious about the change of front of the witnesses, quite compatible with the theory that it had been made worth their while to tell a different story. Lively recriminations were exchanged by the governor of the Necropolis and the nomarch, and there can be little doubt that the interests of justice were subordinated by one or both to the promptings of personal or official jealousy. Either the nomarch got up an unfounded and vexatious charge, in order to discredit the authorities of the Necropolis, or the latter, having been guilty of real negligence, tried to screen themselves by subornation of perjury.[1] This incident of course belongs to the comparatively late period when the hierarchy had already begun to rival the wealth and influence of the Crown.

The embalmment of the dead, the preparation of coffins and of all the drugs, spices, and bandages used for the mummies, the performance of the ceremonies connected with interments, and the provision of the commemorative offerings and libations for the dead, provided occupation for a number of priests of different ranks, as well as for whole classes of artisans. Every step in the preparation of the corpse had its appropriate formula suggestive of a spiritual meaning, and as it was of the utmost importance to the deceased that these formulæ should be duly pronounced, the whole process of embalmment continued in the hands of the priests, and was regarded as a religious ceremony, in spite of its painful and materialistic side. The Necropolis must have included common sepulchres for receiv-

[1] Maspero, *Une Enquête judiciaire à Thebes*, 1872.

ing the mummies of the poor, which may have been maintained at the expense of the State, the city, or perhaps the general revenues of the temple; but rich private persons under the Middle and Later Empire, as under the Greeks, no doubt secured a plot for themselves by purchase. Tombs might be appropriated without complaint, after they had fallen into neglect by the dying out or removal of a family, which would put an end to the payments made on its behalf, and sometimes desirable burial-places not so deserted were taken by force.

The payments made to the priests of the Necropolis were on two, or perhaps rather three, separate accounts. There was the price paid for the burial-place itself,[1] which might be bought in perpetuity or for a term of years, and a payment which, in the absence of a permanent endowment, would have to be renewed annually by the surviving members of the family, on account of the "liturgies" or funeral services, which had to be rendered at certain specified times, especially at the great festival of Amon. Besides these charges, which brought in a regular revenue from every family on account of its dead, there were also the "fruits," objects brought occasionally in honour of the deceased, and therefore an uncertain element, except so far as the receipts from different individuals were likely to average themselves from year to year. The same distinction existed in the case of the temple revenues, and helps to show the general parallelism between private and public religious rites.

Under the Greeks, three classes of persons are named as taking part in the funeral services: the paraschistes, the taricheutes, and the choachytes. M. Revillout, in the series of papers above referred to, has shown good reason for the opinion that the two first names, which are used indiscriminately to translate a single demotic term, denote the same class of operators, those namely by whom the actual work of embalmment was carried on. The choachytes on the contrary, or the professional pourers of libations on behalf of the son, had no direct contact with the corpse, and claimed a place, though a humble one, in the general service of the temple; at Thebes, they bore the title of pastophores of Amon-Api, and took part in certain processions. The outgoings of the choachytes were for funeral utensils, some of which were costly, and for the wine actually or nominally used in the libations; and in some cases they provided halls for the funeral rites as well as the actual burying-places. The details of the funeral arrangements were different in Thebes and Memphis, and the status of the different parties engaged in them varied also. Latterly at Thebes, the paraschistes appear as owners of the cemeteries, while the choachytes act as sole representatives of the priesthood in the funeral services. At Memphis, where the temple establishment had been less maltreated, a high priest presided over the funeral rites, while the commercial

[1] The sale of the burial-plot carried with it the right of performing the customary ceremonies at the tombs—a right which might be owned by women who did not perform the ceremonies in person. (Devéria, *Catalogue*, p. 211.) A demotic papyrus (690 B.C.) seems to show that the arrangements were the same as in later times.

side of the transaction was left to the choachytes, whose dignity was sustained by their wealth.

During the Ancient and Middle Empire the title of Cher-heb (which is subsequently rendered paraschiste) is borne by a number of exalted personages, and seems to indicate generally a ministrant, or performer of funeral ceremonies. Originally it is probable that only the bodies of the rich and great were embalmed; the practice could certainly not have become general till the establishment of regular commercial intercourse with the spice-producing countries; and while it was exceptional, the ritual belonging to it may have remained among the mysteries of the higher priesthood. M. Revillout says the ancient cher-heb was more than an embalmer, but supposing him always to have had that function among others, it is one which might have been considered appropriate to a great man, while embalming was still a new rare mystery, or magic (the king's cher-heb was generally a magician), and to a low official when everybody was mummified, more or less. The name itself is variously rendered as the "roll-bearer," the "man of the book," the "man of rites or ceremonies," and the "reading priest," or he who recites "what is usual before the king when he goes forth."[1]

At all times the funeral services seem to have required three performers, as it were a priest, a deacon or acolyte, and an inferior attendant. Ordinary usage seems to have given the title of cher-heb to the chief performer in the funeral rites, and in the course of ages its application seems to have passed from the highest to the lowest rank; but these lowest ranks again increased in importance after the extinction of the learned priesthood, when nothing was left of the native religious worship except the observance of funeral ceremonies.

The proprietary institutions of choachytes and taricheutes are more curious than important, except so far as they represent the general commercial usages of the country or surviving traces of priestly tradition. One of the earliest papyri translated by Young, recorded the sale of "half one-third of the collections for the dead priests of Osiris . . . likewise half one-third of the liturgies."[2] A cession of property under the fifth Ptolemy enumerates in the same category with houses, lands, buildings, gardens, furniture, cattle, silver, gold, brass, and household utensils, the following less material articles of property—contracts, liturgies, tombs, and deeds; while the conclusion of the whole matter is summarized, as a cession of everything in general, and liturgies and a funeral hall in particular.

Deeds of this kind are very numerous, and the calm way in which the parties to them buy and sell their deceased neighbours, and in some cases the living, as well as the dead, has often been the subject of remark. The arrangements made, however, are not as peculiar as the language in which they are described. What is called the sale of the dead means only

[1] Erman, p. 102.
[2] Wilkinson, *Manners and Customs of the Ancient Egyptians*, p. 314.

that a contract to perform such ceremonies on their behalf is transferred from one person to another for a price.

In commercial Babylonia, contracts as well as bonds were commonly dealt with as exchangeable property, and the spirit of Egyptian usage was the same, though the principle had not received such an extensive application there.[1] It shows, of course, the uniformity of business arrangements in these countries, that it could be treated as a matter of indifference to the customer, whether the services, for which he had paid, should be rendered to him by the person with whom he had contracted or by some third party, the creditor or assignee of the latter. The uncertainty of quality, which our modern system of competitive trading casts upon all workmanship and commodities, would render such arrangements impossible now.

As a further illustration of conservatism in commerce, it is notable that bargains binding future generations are entered upon without hesitation. A man appoints his own choachyte or undertaker, but he also stipulates that his children and remoter descendants shall be buried by the choachyte's children and descendants; and the right to bury a family is transferable, exactly because the family can be depended on not to bestow its patronage on any fresh firm or company.

Different members of the profession entered freely into arrangements for their mutual convenience, by which they divided with one another the families which they were jointly entitled to inter, particular districts being assigned to the different parties to the contract. The breach of such an arrangement led to actions in which we find one taricheute accusing another of wrongfully burying the corpses which belong to him, just as a medical man who has bought a "practice" may take proceedings against a vendor, who continues to prescribe within the district he has agreed to vacate. In the sales of such rights to inter, it is always specified that the fee and the corpse wrongfully received shall be given up, and a penalty paid in addition;[2] and it is possible that the secure value ascribed to the position of family undertaker was partly due to a system of cash payments.

The mode in which the interment was effected depended upon the outlay, and as the taricheutes had to buy from the merchants the costly essences and spices used, they probably regulated their expenditure by the sum delivered to them at the same time as the corpse. It was open to the natural guardian of the corpse to provide these ingredients himself, as appears from a deed in which a bereaved father contracts with a wholesale merchant for their delivery to the taricheute who is acting for him. And

[1] We are apt to consider the trading systems of the Old World narrow-minded and unimaginative compared with those of the present century; but it appears that a degree of conservative fixity in commercial affairs may actually have the result of extending the flexibility and range of commercial transactions. An Egyptian or Babylonian, wishing to realize the whole of his property at any given moment, could treat the orders on his books as an asset of calculable value; because it was a matter of indifference to the customer, by whom he was served, when all tradesmen gave similar goods for the same customary price.

[2] *Cours de droit Egyptien*, p. 119. The right to bury the slaves (and even the abortive births) of a family is reserved by contract.

though such an arrangement was perhaps exceptional, we may infer from it that the emoluments of the tarichĕutes were not supposed to consist in a profit charged on the drugs used in their art. In fact, the services rendered by this class were evidently of a material kind only. It is not as priests, but as the holders of available plots of ground, that members of the hierarchy sell or let desirable burial-places. This is so much the case, that a layman, having bought a tomb, already partially occupied, some time before he expected to take possession of it himself, had acquired from the vendor a specified share in the funeral offerings brought on behalf of his tenant. He had paid down the full value of the tomb, and by way of interest on the purchase-money he was to receive a share of the revenues it brought in.

During the period to which these documents belong, the choachytes formed a corporation or guild, with elaborate provisions for the protection and guidance of members of the profession. They were governed by a president and two assessors, all elected and frequently changed. These officers applied the laws decided upon by the general assembly, and were authorized to conduct lawsuits in the name of the corporation. They looked after the interests of the public as well as their own, for the least infraction of their professional duties was visited with fines, while a sort of excommunication was pronounced in the case of serious derelictions. It was especially provided that the wine of the sacrifices, which seems to have been regarded as a particularly valuable perquisite, should be consumed upon the premises, not taken away and applied to secular uses.

These regulations, though apparently of recent origin so far as the choachytes are concerned, were not likely to have been invented afresh by them. It was an innovation for the whole charge of the rites, connected with interments, to be left in the hands of the inferior priests, by whom the more material services were rendered; but as this change was only brought about by the impoverishment or suppression of the higher orders, it is certainly likely that the regulations in customary use were retained.

## § 4. Temple Property.

It is impossible to say how early lands were assigned for the maintenance of the priests attached to particular temples of the gods, though a beginning must have been made as early as the Fourth Dynasty, when Ptah-ases—the adopted son of Menkara (Mycerinus) and son-in-law of his successor—who was chief of the priesthood of the god Ptah at Memphis, also acted as "governor of the domains of the temple of Sokaris." The earliest gifts from kings to temples must, however, certainly have been bestowed before the priesthood had come to form a large and separate class of the population. Such donations were not unknown, though not common under the ancient monarchy; but the form of endowment contemplated by latter-day legend and the caste theory belongs almost certainly to the latest, not the earliest phase of religious development. We may infer from the title

of "chief priest" given to some of the notables whose tombs have been described the existence of a body of inferior hierophants; but these might have been originally maintained, as in other times and places, out of the simple offerings without the existence of any special temple domains. The temples of the kings were, however, intended as a tribute to the divine character of Pharaoh, and it was natural that, as the national religion developed, devout kings should desire to show the same liberality to the gods as to their ancestors.

Both priests and people were more secularly minded under the ancient monarchy than later. The names of the gods do not always, as subsequently, enter into the composition of the king's name, and, as in Greece and Rome, members of the priesthood did not necessarily devote themselves exclusively, or even mainly, to their sacerdotal functions. Princesses bore the title of priestess or prophetess of Neit or Hathor, and the king himself had no ecclesiastical superior. Representations of the gods, and allegorical scenes illustrating the life after death, are comparatively rare in the earliest monuments, which show us the deceased receiving adoration, prayers, and libations from his family, and taking part in all the ordinary occupations and amusements of life. With the Twelfth Dynasty posthumous existence ceases to be the prerogative of kings and nobles; private persons claim it as it cheapens. In tombs of the Eighteenth Dynasty the deceased appears as adoring sepulchral deities, though the family ancestral worship still continues. In the Nineteenth Dynasty and later, the title of "Osiris" is habitually bestowed upon the dead, and theological conceptions of the life after death became all the more popular, as the future bliss of the soul came to be associated with pious knowledge, or a copy of the Ritual, rather than with the multitude of sacrificial victims, real or pictured.

Three stages at least of religious feeling can be clearly distinguished. Under the Ancient Empire, kings and nobles are themselves priests, and probably for the most part themselves defrayed the expenses of the temples. Under the Middle Empire, the kings give largely, and of their own accord, to the service of the gods; and with the Nineteenth Dynasty the gifts increase, the whole country is put under contribution, and the liberality of the kings is no longer quite disinterested; the idea of merit comes in, and the gods are supposed to reward their benefactor, by giving him victory and success in this world, and in the next protection against all the mystic assailants of the dead. Deceased ancestors and even kings are no longer objects of reverence in their merely human capacity, but in virtue of some spiritual identification with the divinity, to which the truly veracious soul is allowed to look forward.

Originally the king seems to have given an estate outright to a particular temple as he would give it to a great officer, the priests of the temple living and providing the requisite sacrifices out of the produce. But supposing it were desired to bestow some further benefaction upon a famous temple, which had been already amply endowed with lands, a munificent king would

give towns and villages, with their inhabitants, to the god; and in such cases, obviously, what we must suppose to have been given is, what the king possessed in relation to them, namely, the right to levy the land tax. At a still later period, when the king wished to do something for the gods, and had neither private estates nor surplus revenue which he could assign to their service, he could and did issue edicts, calling on his subjects to pay such and such a proportion of their produce to the temples, over and above the ordinary land tax. These three kinds of endowment subsisted together, and we can trace roughly the position of the priesthood involved in the preponderance of one or other of them.

There were three chief priesthoods in Egypt—that of Heliopolis, Memphis, and Thebes. The table of precedence translated by M. Maspero, gives the first place to Thebes, and the second to Heliopolis, and was therefore probably composed originally under one of the great Theban Dynasties between the Twelfth and the Nineteenth. The greatness of Heliopolis dates from prehistoric times, and little or nothing is known of the priesthood presided over by "the great one who always beholds Ra and Atoumou." Perhaps the kings of Lower Egypt bore this title themselves before the union of the two crowns; but the absence of definite information as to the endowments of the sanctuary warrants the inference that they must have been comparatively unimportant. The office of the chief priest of Ptah at Memphis was not hereditary, but it was so richly endowed that kings of the Nineteenth and Twentieth Dynasties sometimes gave the office to their sons.[1] These endowments date from the earliest Memphite dynasties; and as the city retained its importance even when no longer the seat of government, they continued to be added to by successive generations.

An officer like Ptah-ases no doubt administered the domains of the temple under his governorship as he would administer the royal estates entrusted to him, providing for the sacrifices of the temple as for the sustenance of the palace, and maintaining the servants and the priestly guardians of the temple out of its revenues, and accounting for the surplus, which might be spent on monuments or religious festivals. With the multiplication of temples and temple services, the number of officiating priests must have increased, till it became more convenient to leave the guardianship of the temple estates in their hands, with discretion to employ the revenues for their own support and the worship of the god. The formation of an hereditary priesthood was thus the direct consequence of the endowments, especially the endowments of land, bestowed upon the temples. The endowments of the Theban priesthood, the most modern of the three, were probably as ancient as the city itself, and the office of high priest was hereditary in the family which ultimately usurped the throne. And it is certainly significant that the priesthood of latest origin was alone hereditary.

From the Twelfth Dynasty onward, the kings themselves are careful to

[1] Maspero, *Manuel*, p. 333.

keep us informed as to the extent of their benefactions to the gods, and their lists of treasure dedicated are like an echo of the still longer lists, recording the tribute and warlike spoil which reward a successful campaign. Just before the close of the obscure period which includes the Eleventh Dynasty, an expedition was undertaken to the land of Punt, from whence, among other valuables, "precious stones for the statues of the temples" were brought back. Usurtasen I. was a great builder of temples, and his son added to one of them "the holy dwelling for the first seer of Amon," a building of which we hear incidentally in an inscription describing its restoration by the ninth Rameses. Up to this date, therefore, it was not a matter of course for the chief priest to have his dwelling within the precincts of the temple. With the transfer of the capital to Thebes, the worship of the city god, Amon, began to increase in importance, till his place as a national god was established under the early kings of the Eighteenth Dynasty. This exaltation of Amon of Thebes was, however, regarded as an innovation; and the religious reaction under Amenophis IV., or Khuenaten, seems to have been directed against it, as well as in favour of the foreign religion introduced by the queen mother.

The religious observances and beliefs of Upper and Lower Egypt differed as much as their political organization. Opposite versions of the myth of Horus and Set were current in the sacerdotal colleges of Memphis and Abydos. In Heliopolis, Memphis, and Lower Egypt generally, Horus and Set were conceived as twins, symbolizing respectively the beneficence and the power of the sun. In the religion of Abydos they were rivals, representing the irreconcilable principles of good and evil. The union of the two districts under the ancient monarchy necessitated a compromise, represented by the myth of the reconciliation of Horus and Set by Thoth, that is, perhaps, the mediation of the priests of Hermopolis, or Un, halfway between Memphis and Abydos, the centre of the worship of Thoth. In the early days of Egypt, the rival versions of the legend could continue to be handed down, each in its own locality, without giving rise to theological disputes; but it became necessary to harmonise them when both priests and laity began to take their mythology more seriously. The fact that the doctrine of Abydos prevailed in the funeral rites of all Egypt seems to show that the national worship was fixed during the period of Theban supremacy, though the political importance of Lower Egypt secured a considerable development to the worship of Set between the Eighteenth and Twenty-first Dynasties.[1]

The great kings of the Eighteenth and Nineteenth Dynasties went beyond their predecessors in the magnificence of the temples they erected, the value of the treasures they dedicated, and the extent of the land which they devoted to sacred uses. After a successful campaign in Syria, Thothmes III. assigned three cities to pay their taxes to the temple of Amon at Thebes; he employed his prisoners of war in enlarging it, and foreigners of rank were counted among the rare and valuable gifts be-

[1] Pierret on Schiaparelli's *Livre des Funérailles*. *Rev. Égyptologique*, 1887, iv. 152.

stowed from time to time on that and other shrines. Gardens, to grow flowers and vegetables, were assigned to the temple,[1] and this gift is in itself significant of a growing density of population, and the changes which thenceforward begin to appear in the form of endowments. Lands in various parts of Upper and Lower Egypt had been at different times bestowed upon this temple, and these are enumerated by the care of Thothmes, (1,800 acres in all), as are the temples to the same god in other parts of the country, and the tributes in kind to which they are entitled. The temples are thus larger and more magnificent than ever—too large to be supported from the produce of any adjoining lands which could be granted for their use, while that originally bestowed on them was no more than enough for the gardens of the resident hierophants.

It is unfortunate that the nomarch of Siout gives us no clue as to the source whence the revenues of the priests, divided into temple days, were derived. The offerings and sacrifices made to the gods were of two kinds—the first given irregularly by private persons, the second prescribed by the temple regulations for set days and hours; the latter probably constituted the "temple days." Most probably all the customary receipts were thrown into one fund, which was dealt with communistically—that is to say, a share allotted by common agreement to each member of the college. Thus the offerings brought to the temple by private persons of every degree were, after performance of the ceremonial rites, available for the maintenance of the priesthood; and it seems probable that whatever lands were regarded as belonging absolutely to the temple, would be required to bring their produce, after the cost of cultivation was defrayed, to the temple in the form of offerings in kind, while a similar tribute was rendered by the cities or estates authorized to pay their taxes to the god.

But the temple estates were no more regarded as the private or corporate property of a priestly caste, than the soldiers' lands as the property of a military caste. The priests of any sanctuary held their lands under a trust, which was too well understood to need defining. They were expected to care "like a good father,"[2] as one high priest of Amon phrases it, for the families of the temple servants, to give food to the poor, like other great personages, and to provide with due splendour for the service of the gods and the maintenance of the sacred building. But if the official salary of a priest took the form of land rather than rations, he was free to do as he pleased with his holding, like the soldier or any private proprietor, just as he was free to dispose of his "temple days" for the endowment of his statue or any other purpose. He might either cultivate the land himself through a steward or servant, or he could let it to a cultivator, whose rent would represent the money value of the priestly immunity from taxation.

The former method was the more in accordance with ancient Egyptian usage, and a letter ascribed to the reign of Mineptah I. (the thirteenth son of Rameses II.) throws a welcome ray of light upon this part of the

[1] Brugsch, *Hist.*, i. 378. [2] *Ib.*, ii. 113.

rural economy of the time. The scribe of the tablet of offerings, Bek-en-Amen, writes to his father, the prophet Rameses, to report the result of his inquiries as to the cultivation of his father's land and the prospect of recovering the services of the Syrian slave [1] who had been carried off to serve on shipboard. He informs his father that it is estimated that two men and a youth will be required to cultivate the land in question. It is calculated, apparently, that one labourer cultivates as much ground as will produce 200 measures of corn. Three men and a boy—perhaps the staff which the prophet had proposed to employ—can do 800 measures, but the crop to be expected is 600. These measures of corn probably represent what the cultivator was expected to have to hand over to his employer, after his own necessities were supplied; and we may note as characteristic, and explanatory of the characteristic stability of Egyptian economy, that the customary calculation of dues and produce is accepted at once as final and conclusive.

Both employers and employed are content to renew the bargain that has always been customary between people in the same relation, and both are spared the labour and expense of a trial of strength as to whether either could force a more disadvantageous bargain upon the other. Such conservatism was naturally more of a protection to the cultivators than to the priests, who might of course have taken advantage of the increased extent of their landed property to raise their rents. But, down to this period, there seems no reason to suppose that the standard of comfort, among what we may call the working classes, had been lowered since the ancient monarchy. On the contrary, the florid letter in which the scribe Panbesa depicts the charms and glories of the new city, whose tutelary deity is "the war god of the world, Ramessu-Mei-Amon," contains a significant reference to the well-being of that class, which shows that it was not the fashion of the age to disregard them: "the little people in the city are like the great ones," [2] we are told; the point of resemblance being that they have leisure to take part both in religious festivals and in the season feasts.

After the age of Bocchoris, deeds, referring to the occupation of land belonging to members of the priestly class, are comparatively plentiful; but, after the secularization of the temple property had begun, they are not, of course, conclusive as to the state of things existing while all the ancient customs of the country were unimpaired. A contract of the reign of Amasis may, however, be referred to as evidence of a third kind of arrangement, under which the priestly tenant of temple lands cultivated them himself, but was expected to give a certain share of the produce to the temple. In this contract a prophet of Amon cedes the land, which he holds from the sanctuary, for a year to two choachytes (presumably his private creditors), on condition of their paying one-third of the produce to

[1] *T.S.B.A.*, vii. 3, 411. It makes no difference for our purpose whether documents of this kind are *bonâ-fide* private communications or passages from a polite letter-writer; indeed, in the latter case, they would be all the more certainly typical.

[2] Brugsch, *Hist.*, ii. 92.

the temple.[1] The inference is obvious that if the land were not so let, it was normally occupied by its priestly owner, and the expenses of the temple defrayed by a share of the produce, derived through him, from the temple lands. The fact that such an arrangement is unknown to all other hierarchies does not make it the less in accordance with Egyptian ideas and customs, and the prolonged and peaceful popularity enjoyed by the Egyptian priesthood may even be, in part, explained by this method of causing the priest to bear the apparent expense of maintaining the service of the gods.[2]

There was, however, one difference between the priests and every other class in Egypt, brought about, as already observed, by the existence of permanent endowments. The Egyptian theory of descent was unfavourable to the establishment of an hereditary aristocracy, either of a territorial or an official character. With the exception of officials like the court architect, whose position was almost that of high priest to the king's person, no holder of high office could expect his son to be as great a man as himself, unless he made his own way afresh into the king's high favour. Lands and office could not be depended on to pass together, from father to son, with the regularity that founds a family at once strong and rich enough to disregard court favour. This element of permanence was provided by the temple lands alone, and here only a succession either by sons or sons-in-law was kept up, which formed, first, something like a priestly caste, and, ultimately, something like a rebellious priestly aristocracy.

The colleges of priests attached to the different temples of the same god were naturally in communication with each other; they had the same interests and the same means of influence. Kings came and went, but the temple estates remained and grew, like the abbey lands of mediæval Europe. The claim which no military caste made on behalf of lapsed soldiers' lands was, it seems, habitually put forward on behalf of the chief temple of the god, if any smaller foundation in its neighbourhood fell out of repair or became extinct. Temple lands did not therefore, as of course, lapse to the king, and become again taxable, if the shrine they were designed to support ceased to exist. The nearest or most powerful foundation of the same sort might silently appropriate the land, in the manner deprecated by Amenhotep the Wise.

The third kind of endowment, in which the king's liberality displays itself at the expense of his subjects, is as old as Thothmes III., and in and after the reign of Rameses II. it becomes comparatively common. In the poem of Pentaur, the king counts up the benefits he has conferred upon his father Amon, as well as upon his warriors: "Shall it be for nothing," he asks, "that I have given to thee all my substance as household furniture, that the whole united land has been ordered to pay tribute to thee, that I have dedicated to thee sacrifices of ten thousand oxen and sweet smelling woods?" The king here claims credit for two distinct bene-

[1] E. Revillout, *Les Obligations en droit Egyptien*, p. 124.

[2] In ancient Arabia, as will be seen, *temple* revenues were employed on *city* edifices.

factions: a gift of his own personal property, and a royal edict, commanding the whole kingdom to pay tribute. We do not know at what date the custom of paying tithe to the gods originated in Egypt; if, however, it was the custom there, as in ancient China, for a tenth of the produce only to be paid to the Crown as land tax, every royal gift of land would necessarily take the form of an assignment of tithe; and, in fact, this conception of a gift is still in force as late as the second year of Ptolemy Philometor, the date of a deed by which a private person gave himself, his wives, servants, children, cattle, and all his other goods to the god Serapis. The document itself explains this to mean that he will give the tenth of all that his year's work produces from the property so dedicated.[1] Towns may have been first called on for tithe, because they were not by custom charged with rent; but the presumption is that Rameses, like the devotee of Serapis, gave a tenth of his movable property to the temple of Amon, and ordered his subjects to do the same. It was usual to speak of "Thebes of Amon," as if the city itself belonged to the god, and the extent to which this was supposed to be the case may be taken as illustrating the generally unburdensome character of Egyptian ownership.

The earlier kings, like the nomarchs, identified themselves chiefly with the worship of the tutelary god of their capital city. Rameses III., however, seems to have aimed at endowing the whole worship of the country. The great Harris papyrus, containing the annals of the king, records first his gifts to the deities of Thebes, then to those of Heliopolis, those of Memphis, and then those to the "gods of the north and the south," of whom fourteen are described as the lords of particular cities. The gifts to Amon-ra of course take the chief place. "I have given thee," says the king, "tens of thousands of bushels of corn to supply thy divine offerings continually, for transporting to Western Thebes every year to fill thy granaries with corn and barley. . . . I planted thy city of Uas (Western Thebes, *i.e.* the Necropolis) with groves and meadows and scented flowers. . . . I made to thee a noble quarter in the city on the north. . . . I assigned to it the lands of Egypt, having their tributes, the men of every country." "Cattle, gardens, fields, gallies, repositories, and cities" form the bulk of the collection of things which "the living king gave to the house of his noble father Amon Ra, king of the gods, Mut, Khonsu, and the gods of Western Thebes."[2]

Erman values at about £200.000 the revenue in precious metals alone received during one year of this king's reign by the chief temples of Egypt,[3] a sum then of course representing a much higher value than now; half a million of cattle, six million sacks of corn, a million vessels of beer, wine, and oil, and seven million loaves, besides smaller quantities of miscellaneous articles, and "169 towns"—or their revenues—are included in the same year's income; about three-quarters of the whole being assigned to

[1] E. Revillout, *Cours de droit Egyptien*, i. 100.
[2] *Records*, vi. 30.
[3] Vol. ii. p. 408.

the temple of Amon at Thebes, which at this time must have been five times as rich as the great temple of Heliopolis, and ten times as rich as that of Memphis.

The political consequences of this enormous increase in the wealth of the Theban priesthood were not long in declaring themselves; but it has been suggested that the extravagant liberality of Rameses III. may have been prompted by a sense of weakness on the king's part, making the support of the priesthood already necessary to him, though the price paid for it was such as to make the priests independent of the monarchy. Before this time the temples were already rich enough to be worth plundering, and it is a plausible suggestion that the Syrian usurper Ersu (or Arisu), who gave trouble during or after the reign of Seti II., had made an attempt to secularize temple property.[1] "He treated the gods as men, and brought no sacrifices to the temples," as Rameses III. says; and hence the priesthood was naturally on the side of Setnecht, "who gave holy property to the temples;" and the liberalities of Rameses III. may not have been entirely spontaneous, but a return for services received.

The bread alone, besides the corn and other provisions named above, represents something like a year's rations for 1,000 men, and it certainly seems as if the provision thus made, for filling the granaries of Western Thebes with corn and barley, should have been sufficient to obviate the occasion for any such secession of the workpeople as took place a very few reigns later. On the other hand, all these revenues would be none too much if the chief priest was already engaging in political intrigues, and building up a party for himself within the State. And as Rameses III. was really not attached to any worship except that of his own image, his munificence becomes more intelligible, if we regard it as the price given for political support, though of a dangerous and damaging kind.

The chief part of the endowments described in the Harris papyrus must have been of the second sort, in which the king abandons to the temple the revenue derived from the ordinary taxes. The "people" mentioned were of course not the whole number of cultivators on the land, but either gardeners employed in the orchards, or slaves for the service of the temple, the inhabitants of the fields and towns experiencing no change, except in the person of the overlord, to whom their taxes were paid. The land granted in this way by rich and pious kings, and supplemented by the private donations of nobles like Amenhotep, would of course accumulate from generation to generation, till the sacred lands began to rival the royal domains in extent, especially if the precautions observed in the case of the temple of Kak were not generally enforced. As a matter of fact, during the Nineteenth Dynasty, if not before, the wealth of the priesthood went on increasing, while that of the kings, if not replenished by the spoils of conquest, was proportionately diminished. Like the Buddhist monasteries in China, and the Christian ones of mediæval Europe, the Egyptian

[1] *Ib.*, i. p. 79.

temples began to become politically dangerous by their wealth. And with the succession of a feeble race of kings, who did equally little for their own glory and the gods', it is scarcely surprising to find wealthy and ambitious priests invading the royal prerogative, and themselves offering to restore the temples which former kings had built.

This was done by Amenhotep, chief priest of Amon, under Rameses IX.; and the reward granted to him by the king for his service is very significant. "Let the taxing and usufruct of the labours of the inhabitants for the temple of Amon-ra, the king of the gods, be placed under thy administration. Let the full revenues be given over to thee, according to their number. Thou shalt collect the duties. Thou shalt undertake the interior administration of the treasuries, the provision houses, and of the granaries of the temple of Amon-ra, the king of the gods, so that the income of the heads and the hands for the maintenance of Amon-ra, the king of the gods, may be applied to the service." [1]

This grant goes beyond ancient precedent, and is just such as would, if repeated, have transferred an important part of the wealth of the country from the king to the priesthood. Amenhotep is authorized to administer the lands in question on behalf of the god, just as the royal estates are administered on behalf of the king, whose estates had hitherto been the only example of complete private property, as we understand it, in the kingdom. The high priest is thus no longer a steward of the king, administering his gifts in the service of the temple; he is to take the place of the king, and it is by him and in his name that the gods henceforward will receive their benefactions. After this implied revolution it is not surprising to find that the next Dynasty, the Twenty-first, is founded by the usurpation of Hirhor, the chief priest of Amon at Thebes, and the exile of the Ramessids.

The priest kings were not successful rulers, and a more or less direct representative of the old line was restored before long; but from henceforward the beginning of the end of Egyptian independence is in sight. Assyrian, Ethiopian, Persian, and Greek adventurers grasp at one or both of the two crowns of Egypt, and the native monarchy seems to have lost the recuperative power which had formerly enabled great dynasties to rise after long reaches of anarchy and civil war. It seems as if the simple fabric of Egyptian society could not survive the shock to its equilibrium, given by the crystallization of a class interest, with privileges subversive of the existing equilibrium in the distribution of wealth.

In spite of occasional restorations, the whole period following this Twenty-first Dynasty may be called the age of the foreigners, and during this time the antagonism between Church and State, which is so familiar elsewhere, seems for the first time to have made itself felt in Egypt. After the first successful usurpation of the royal prerogative by the priesthood, it is probable that silent encroachments added to the number of the estates claimed in absolute ownership by it, so that the wealth and independence

[1] Brugsch, *Hist.*, ii. 180.

of the class increased even in times of national disaster. The "show face festivals," when the gods were carried in procession, gave the priests the opportunity of conciliating the populace by the entertaining magnificence of their displays, just as the rich citizens of Greece used to secure popularity by the splendid celebration of games or processions, and it is significant of a serious economic change, when the expense of public pageantry came to be borne by private persons, or even by a single class, instead of by the king alone. Diodorus tells us that in his own day some feeders of the sacred animals were known to have spent as much as 100 talents on the funeral of one ;[1] an expenditure which would, of course, be set down to the credit of those who actually carried it out, while the original "founder and benefactor," who provided the revenues of the shrine, might be forgotten.

The wealth of the priesthood probably contributed as much as the natural impiety of King Ahmes (Amasis) to instigate the attacks upon the sacred lands to which reference has already been made. The secularization of the temple lands, and the settlement upon them of the king's mercenary troops, must have been intended as a direct check upon the power of the priests, as well as a convenient financial expedient.[2] The blow was too much for the patriotism of some members of the hierarchy, who were won over by the conciliatory policy of Darius. A son of the high priest of Sais, who had been dispossessed of his functions and transferred to the navy by Amasis, on account of his relationship to Apries, was restored to the chief priesthood by Cambyses,[3] and had sufficient influence with him to get the foreigners banished from the sacred territory. The first Ptolemy was equally desirous of securing the goodwill of the hierarchy, and his descendants were taught to see the danger of rousing its hostility. Still the patriotic revolt against Ptolemy Philopator was not successful, and though later kings built temples, and even increased the number of the ancient sacerdotal tribes, the tendency throughout the Ptolemaic period was to reclaim as much as possible of the lands alienated to the temples, and to reassert the royal authority over those not reclaimed, by subjecting them to special new taxation.

The tax imposed upon the temple endowments under the Ptolemies was a complication quite alien to the spirit of Pharaonic legislation, as it was virtually a tax upon a tax, like the rating of rate-supported schools in contemporary England ; but the measure was an exact counterpart of the action of Mehemet Ali in levying an impost of about half the regular land tax on all Waqf lands ; that is to say, those left as an unalienable legacy to any mosque or school. The analogy was carried a step further when Mehemet confiscated the land, and granted annuities instead, for the maintenance of the religious foundations ; just as, under the Ptolemies, the priesthood was finally deprived of any right to levy its own taxes, and made

[1] i. 84, 5.
[2] *Revue Égyptologique*, i. 57 ff.
[3] Cf. *ante*, p. 53.

dependent upon an allowance granted out of the public revenues. Indeed, the donations of the later kings to particular temples, or to the priesthood generally, often took the form of a charge to such and such an amount (500 talents on one occasion)[1] upon the revenues derived from the house tax, poll tax, or other special impost.

[1] *Revue Égyptologique*, iii. 108.

## CHAPTER VII.

### *CIVIL LAW AND CUSTOM.*

It has been already explained that the seclusion of Egypt from foreign influences, which was desired both by the prejudices of the people and the principles of the Government, was not endangered by commercial intercourse, because, so far as Egypt was concerned, such commercial intercourse was conducted by wandering merchants, or by the servants of the king under his instructions, not for the private profit of any class of the native population. Ancient Egypt, like modern China, did not have to go abroad to seek a market for her wares; other nations were ready and anxious to bring to her ports such of their productions as her rulers might be willing to accept, but they did not readily obtain a footing in the country; and while they carried away countless flattering reminiscences of Egyptian art and wisdom, they exercised no corresponding influence upon the land they visited. Internal trade was always of the simplest kind, the raw material being produced and the manufactured articles sold, as often as not, by the same persons, whether upon a large scale or a small, by great landowners or petty artisans.

The Egyptians were not a nation of traders, and we must go to Babylon or China to trace the full development of commercial law under the domestic civilizations. Egyptian law recognises sales and loans, but the customs respecting both have retained a curious, half-artificial simplicity. As the political government of the country excludes as far as possible all complex relationships and reciprocal obligations, so the private contracts recognised are made as far as possible one-sided in form.

In the earliest contracts which have reached us, it is evident that the scribe has written down just what the contracting parties would have said before written deeds were introduced; the formula is always: I, So-and-so, son of So-and-so, whose mother is Such-an-one, say, etc. In ancient Egypt, as in Rome, commercial transactions were originally effected by word of mouth, and the proof or record of them was preserved in the memory of eye and ear-witnesses to the bargain. But even the simple act of buying and selling may be conceived in different ways.

The Roman stretched out his hand, and said, "This is mine" (perhaps primitively, with the suggestion, I took it with this hand and spear), adding afterwards, "I have bought it with weight and scales." In Egypt, on the other hand, the vendor speaks, while the purchaser remains passive: "I have given thee so-and-so; it is thine," says the former owner, and goes on

to stipulate penalties against himself and his descendants if they question the validity of the transfer, and, moreover, to engage to secure the purchaser in peaceable possession against the rest of the world. It is significant of national temperament that the Egyptians conceive the prime agent as giving, while the Romans think of him as taking, but both one-sided terms show an uncommercial indifference to the incessant reciprocities of trade. The Ninevite formula sums up the whole transaction, giving due prominence to each element in it: "The price has been paid; the purchaser has examined the goods; they have been delivered to him and accepted;" and with the record of these successive steps, the transaction is legally complete.

The Egyptians were backward to grasp in this way the essential features common to all sales; like the Romans, the dealings which occupied most space in their thoughts were those affecting real property, and other sales followed the analogy of this. As a result, M. Revillout is able to claim for the Egyptians the invention of a somewhat metaphysical and complicated conception—that, namely, of a mortgage or pledge without possession.[1] There were always two parts to a sale in Egypt—that of the ownership and the use; *primâ facie*, a sale only transferred the abstract ownership, and the purchaser might at the same time buy a field or a house, and borrow the price—which it was not convenient for him to pay—from the vendor: a sort of transaction which helped to favour the Egyptian habit of regarding every obligation or liability as a kind of debt or loan. If it was intended to make a complete transfer of the whole interest, a second deed was required transferring the occupation or use of the thing sold, and in this deed the vendor says "thy house" to the person who has already bought the abstract ownership.[2]

It does not appear that any profit attached to this abstract ownership, except conditionally. The proprietor who had, as we should say, mortgaged his house, whether to the former owner or any one else, did not necessarily pay interest on the loan, nor enter into any agreement to pay it off by instalments; but if he died without repaying, the mortgagee took possession; instead of the natural heirs, unless they discharged the former liability. This was done by buying back from the mortgagee the "writing for money," the *écrit pour argent*, as it was called, which the nominal vendor gave as security for the price or loan. On giving back this writing, the late mortgagee in his turn undertakes to hold the owner secure against all molestation. Transactions of this kind were very frequent; and hence, without ceasing to occupy, the real proprietors of land may cease for a time to be counted among the owners named in lists of boundaries.

This Egyptian form of mortgage stands midway between two very different developments of the central idea. Theoretically, the Roman distinction between *dominium* and possession, which may exist conjointly or apart, seems based upon a similar conception of ownership apart from

[1] *Les obligations en droit Egyptien*, p. 66.
[2] *Ib.*, p. 96.

use ; and in practice the *mancipatio cum fiducia*, recognised by Roman law, is an attempt to translate the same kind of usage into terms of the traditional vocabulary of the jurists. In its origin, however, the Egyptian form of mortgage must be most nearly related to another very rational and convenient usage most developed in ancient Babylonia, and introduced by traders into Greece under the name of *antichresis.* In Babylonia and Egypt, as in all simple agricultural communities, land passed naturally from father to children, and was regarded rather as family than as personal property ; the right of relatives to redeem such family property evidently existed in both countries, and when the custom of selling outright became common, it was necessary to bar this claim in express terms. But before any one had thought of the possibility of alienating family land altogether, it happened often enough that persons possessing land wanted money ; and it may be doubted whether any more ingenious method of raising money on land has been invented in the last 4,000 years, than that first adopted by the Akkadians.

The essence of an antichretic bargain is the exchange of use. The capitalist does not lend his money at interest, nor the landowner sell or let his land, but they exchange their two possessions *pro tem.*, the use of the money being set against the use of the land. In this way the idea of ownership as distinct from use grew up easily and naturally, for the ownership might, and often did, continue for generations to belong to one family, while its use remained with another, without the right of the former, to reclaim the land by repaying the money, lapsing. In Egypt, trade and commerce being comparatively undeveloped, a landowner in difficulties did not think of taking temporarily to trade as a means of paying off a loan, nor, therefore, could he give up the use of his land as a security for the debt. On the other hand, it would not of itself have occurred to the Egyptians to give the name of sale to a transaction which did not convey the use of the land, and was not intended to result in conveying the ownership. In Malabar, where counterparts to other peculiar features of Egyptian custom still survive, there are several stages in the process of sale, the last of which takes place when the owner of land has parted with every shred of his interest in it except a bare titular or abstract right.

The position of the absolute owner who had not bought the right of use or occupancy was something like that of a ground landlord in England, except that he received no rent, and was liable to have his reversionary right bought back whenever the other party, who may be called debtor or tenant as we please, could raise money to pay off the price or loan. Use and ownership must have been separated, in fact, before even the wisdom of the Egyptians could have hit upon the bright idea of pledging the ownership, when it was not convenient to surrender the use, and yet *some* security was needed to borrow upon.

This explanation of the usage seems more consistent with its actual working than the supposition that the ownership or *dominium* was vested in, and liable to be sold by, some other person than the cultivator, such as

a feudal superior or overlord, whose interest might be sold without disturbing the occupier. The form of the transaction naturally suggests to us something of this kind, but in the existing deeds there is always provision made for the completion of the sale under certain conditions, and the vendor binds himself to cede the ownership as well as the use if they befall. Obviously the person who may need to borrow money on the security of his land is not the great officer, who receives the land tax as pay, nor the wealthy proprietor, whose land is cultivated by servants under stewards, who bring in to his coffers all the produce, after the workers have been fed, and the dues of the king and the temple paid. Then, as now, it would be the little peasant, "having a field," who seeks to pledge it, and who, in ancient Egypt, might reasonably hope to pay off the debt, out of the proceeds of his industry, so long as its amount was not increased by accumulating interest.

The bargain was more advantageous to the cultivator than those that have generally been open to that class; but it was not altogether one-sided. The capitalist who expects to live upon the interest of his investments is a creation of quite recent times, and the Egyptians were not peculiar in resting content when their small hoards were deposited in safe keeping. In commercial Mesopotamia, both bankers and borrowers abounded, the latter ready to pay interest for the money lent them, out of the profits they could make by trading with it, and the former ready to take care of any private treasures entrusted to them, while their professional character was security enough for its being delivered up when called for. This was not the case in Egypt, and the security offered by an antichretic quasi-sale or mortgage was therefore attractive enough; the money was sure to be repaid in full, or if not, its full value in land represented a satisfactory equivalent, which, moreover, could by no possibility be either lost or stolen.

A form of bargain exactly answering to the Babylonian exchange of land and capital is in use in China, where it is known by the name of *tien* or "contract." The ordinary commercial interest is 30 per cent. *per annum* or 3 per cent. *per mensem* as a maximum; but in recent times, at all events, money invested in land or houses is only expected to bring in 9 or 10 per cent.; so that it would always pay a landowner better to sell his land and trade with the money, than to borrow, at interest, to defray the cost of cultivation. But land, being a solid and permanent provision, the Chinese are reluctant to alienate it for the sake of temporary accommodation; hence the arrangement described by Amyot in his Memoir on Interest in China,[1] from which it appears that the Chinese must have either reinvented, or always known, this most characteristic institution of the black-headed commercial race.

In Amyot's time, supposing a man had land worth 6,800 ounces of silver (the illustration is his own), and wished to borrow 6,000, he could give the title-deeds of his property to the lender, endorsed with a receipt for the

[1] *Mémoires concernant les Chinois*, vol. iv. p. 299. Cf. *post*, Book ii. ch. v. § 2, Bk. iii. ch. x., and Appendix. "Welsh Mortgages."

money, after which the creditor treats the land as his own, taking his chance of the returns. He is not, unless it is specially so stipulated, liable for substantial repairs to the property so held, but risks from flood or such-like natural calamities fall on him, as the debtor can leave the lands on his hands for good by simply omitting to repay the money. Generally the agreement is made for a set term, after which the debtor may free himself when he pleases. The mortgagor cannot sell the land, but he can transfer his rights, such as they are, to any other person.

The mortgagee gains, as his money goes further than it would in buying land outright, and he is frequently allowed to retain the land for which he has paid down less than its full value. The mortgagor gains also, since the difference between the selling price and the loan enables him to keep his hold upon the land, which he can acquire afresh at any time for less than it would cost him to buy elsewhere. Such pledges are handed down from father to son for a century together, without the right of redemption lapsing. If, however, a family despairs of redeeming the property pledged, they can either arrange to sell the balance of their interest to the occupier, or sell outright to a third party and pay off the loan, keeping the difference between its amount and the price.

Without laying stress upon the Chinese form of this ancient Babylonian bargain as an argument for community of race, we may certainly treat the fuller explanations which we get of its modern working as illustrative of the scantier Egyptian documents. The acceptability of this sort of exchange in the three countries where it became customary rested in each case upon different considerations. In Babylonia the exceptional fertility of the soil, coupled with the existence of a large and wealthy urban population, made agriculture, perhaps for the only time in history, almost as remunerative as commerce or manufactures. Land was neither despised as a source of wealth, nor monopolised as a source of power; it circulated as nearly as possible like other values, and its owners and cultivators seem to have been further removed, than the same class in any other community, from a doom of drudgery, so ill-rewarded as to make any series of bad seasons ruinous.

In Egypt a similar result was secured by the scarcity of competing investments, and as real wages were high in proportion to profits, the cultivators who had mortgaged a small property antichretically, so as to escape the accumulation of interest, had a chance of redeeming it by saving their earnings as carriers, boatmen, or artisans. Opposite causes led to the same advantageous result, and, as a fact, in both countries the cultivators retained their hold upon the soil, and were not deprived of their vested interest in the Commonwealth by the play of self-interested enterprise on the part of skilled money-makers. In China, where the chronic difficulties of ancient and modern societies have presented themselves on the largest scale, the tendency of money-makers to aggrandize themselves at the expense of food-producers has made itself felt repeatedly; and the tendency of agricultural profits to a minimum, and of the profits of speculation —or of traffic in values of secondary utility—to a maximum, has only

been checked with difficulty by customary law, the fixed principles of the governing class, and the tone of public opinion which has been fostered by consistent legislation in restraint of accumulation.

It is easy to realize the extent of the boon conferred on the cultivator by an antichretic mortgage by imagining the case of an Irish peasant without money enough either to cultivate, to improve, or to emigrate. In Egypt or China such a man might borrow seven-eighths of the value of his land, surrendering the land itself *pro tem.* as an equivalent; the money so raised would take him to New York and give him a start in business, where, in a few years, he could earn money enough to pay off the loan, and buy the stock needed for the cultivation of the land besides, while the land itself would still be his own and unburdened.

The existence of this singular and characteristic form of bargain in China tempts us to look for other points of resemblance with Egyptian usage, and to conjecture that the Chinese distinction, between selling a house and selling the ground it stands upon, is a reminiscence of the Egyptian distinction between ownership and use. It is, however, more probably only an accidental consequence of the previous distinction. In the appeal of the Egyptian workmen to Amenhotep,[1] there is a suggestion of the same distinction; and it is evident that, when land without buildings is mortgaged, the mortgagee may wish to erect some, and, at the same time, would not be expected, by customary law in which equity prevailed, to forfeit the buildings if the land was reclaimed. Obviously, then, he would assert his right to sell or remove them when his occupancy of the land ceased; and thus in a very short time it might come to pass that the abstract ownership of a site by one party, and the ownership of the buildings on it in use by another, might change hands quite independently. And this is probably what occurred in Egypt, where, it should be noted, no deeds relating to the sale of lands are met with before the reign of Darius.[2]

A curious proof of the persistency of custom amongst the Hamitic peoples is supplied by the fact that the Kabyle tribes of the present day still use forms of sale, which are evidently derived from the ancient Egyptian and Babylonian antichresis, in spite of their being expressly forbidden by Moslem law. Many of these tribes have written customary codes, singularly similar to those of the Basque communes on the one hand, while on the other, they present, in many respects, curious analogies to Egyptian and Chinese custom. In the first of the two forms of sale alluded to, the vendor reserves the right, if the purchaser wishes to sell at any future time, of buying back the property alienated, at a price to be fixed by a third person; in the other, he reserves the right to buy back at the original price, under the same conditions, and this claim passes to the heirs of the first vendor. In some villages this contract supersedes the *chefâa*, or right of pre-emption generally reserved to relatives, clansmen, or fellow-villagers.[3]

[1] *Ante*, p. 59. [2] G. Paturet, *Condition juridique de la femme*, p. 36.
[3] *La Kabylie et les Coutumes Kabyles*, ii. 401. MM. Hanoteau and Letourneaux. Paris, 1872.

Another favourite form of agreement only differs from the antichresis in applying equally to any kind of property. It is called *Rahnia*,[1] and by it the creditor has the use of the object surrendered, and is responsible for its general safe keeping, though he is not required to make good the results of extraordinary accidents. If no term has been fixed beforehand, the creditor may claim enjoyment long enough to make good the value of the advance. The custom of the village rules in such cases, and decides, for example, that cattle pledged must be left to the creditor till the ploughing season is over. When the term fixed for repayment expires, the debtor must find a new lender, or the original one may claim to have the goods sold and his advance repaid out of the price. In one tribe the *rahnia* runs normally for three years; in some villages the *chefâa* extends to the property pledged in *rahnia*, but this is rare. The creditor must use the pledge thriftily, or he is liable for damages; the fruits of the season are his, but not the trees or other fixtures, and he cannot build or demolish without the owner's consent. Though nominally Mahommedans, the Kabyles do not trouble themselves about the Koran, when its precepts are in conflict with their hereditary national habits; and, in fact, the prohibition of usury in a Semitic people has a history and tendency, which make it quite beside the mark when directed against the exchange of use of two commodities, even though one of these consists of money. In a few tribes the legal interest is fixed, as in Egypt, at 33 per cent.[2]

As the authors of the work referred to observe, the principle of *l'argent marchandise* is accepted in its fullest extent by the Kabyles, who also resemble the early inhabitants of Babylonia in their genius for association, and in their readiness to regard values of every conceivable kind as exchangeable. Common articles of furniture are hired or rented; the exchange of services of different kinds is common, as, for instance, the labour of a man for that of a mule, or the work of a carpenter for that of a cultivator. The loan of labour, called *touiza*, is purely voluntary, but it is a point of honour to pay back the equivalent.[3] An infinite number of forms of partnership exist for the cultivation of the soil; there are partnerships extending to all the transactions of the parties in perpetuity, and others limited to a particular kind of operation or a single speculation. Woodman and smith are often in partnership, the former providing fuel for the forge and handles for the tools of the latter. Women rear ducks and hens in partnership, besides carrying on various domestic industries and manufactures. Local tradition avers that the tribes now addicted to trade have been so from all time, and if, as the character of their commercial legislation shows, they were traders before the spread of Arabs to the west, their usages can be derived from no more modern school than that of Egypt or Phœnicia.

[1] *La Kabylie et les Coutumes Kabyles*, vol. ii. p. 534.
[2] *Ib.*, vol. ii. p. 494.
[3] Somewhat similar usages prevailed in Brittany (*l.c.*, vol. ii. p. 498), perhaps, like the kindred customs of the Irish and Basques, due to the partial survival of a pre-Aryan race.

It may have been owing to Arab influence that, in these rahnia pledges, the use of the article pledged is only set against the interest of the loan, not, as was sometimes the case in Egypt, against the principal as well. There was, of course, very little difference between letting and mortgaging land, when the mortgagee received as his security the present use and profit, instead of the abstract or reversionary rights of ownership. In Egypt such bargains always referred to real property, and most commonly to houses or town lots, not subject to inundation, which were ceded for a term, equivalent to the value received: in one Ptolemaic deed, land is ceded for a specified term of three years, in exchange for a sum of money paid over by instalments in the course of the preceding nine years; and in another, a similar arrangement extinguishes the liability for payments spread over sixteen years. The owner of the land guarantees the creditor against disturbance during the lease, but a penalty is prescribed if it is not given up at the end of the term, and no compensation is given for improvements.[1]

Some acts in favour of creditors, of the time of Amasis, have the form of leases, though their only object is to secure the money due; and in a less degree we find in Egypt the same sort of commercial flexibility as that which is so remarkable in Babylonia; the same readiness to view the parties to a transaction in any character, and to estimate and exchange what we should consider quite disparate values, which resulted in both countries in giving the little people of commerce their fair share of favourable arrangements.

When land was let for cultivation, not as a disguised mortgage, the tenure was yearly, but in such cases renewal was contemplated, as shown by the phrase, "You represent So-and-so in the fields in question, for all the time you are cultivating them."[2] It is very probable that native usage gave a kind of customary fixity of tenure to such tenant cultivators, who could only be numerous upon the estates of wealthy nobles or landowners. In a lease of the reign of Ptolemy Philopator, that is, after the influx of Jews and Greeks had made itself felt for evil in the economy of Egypt, the cultivator who receives the land for one year is expressly forbidden to say, "I rented it now, in order to do so always hereafter;" and the stipulation is itself the best proof that the right to renew was generally exercised or claimed. In this agreement, the tenant undertakes to pay a fifth of the produce to the landlord for himself, and a fifth for the agent of the king and the god, thus retaining three-fifths for himself, which is intermediate between the two-thirds, and the half allowed in other deeds.[3]

Sometimes the arrangement is a pure *métayage*, profits and expenses being shared; sometimes the cultivator's share is brought virtually to half by his undertaking to pay one-fifth to the feudal owner (a temple), one-fifth to the quasi-proprietor or landlord (a priest), to which in ordinary cases one-tenth would have to be added for the royal dues, though if the quasi-

[1] *Les obligations en droit Egyptien*, p. 127.
[2] *Ib.*, p. 120.
[3] *Ib.*, p. 130.

proprietor in such cases cultivated himself, he would get seven-tenths of the produce. The number of private landlords increases as we approach the Roman period, the ownership of the temple lands passing into the market, when a State allowance out of the general revenue was substituted for the old endowments.

From an agreement entered into between one Phib, a pastophore,[1] and an officer of finance, in the reign of Ptolemy Euergetes, it seems as if even the old-fashioned system of cultivation by stewards now required the sanction of written agreements; for the occupier here only undertakes to cultivate and pay taxes for a certain field, pertaining to the sacred domain of Amon for one year, and he is bound to give all the produce honestly—so that his wages do not consist of a portion of the crops—and not to appeal to divine temples, altars, or images, as contentious cultivators do.[2] The frequency of such stipulations as the latter is very significant; and in the same period of degeneracy, we find that the old customary partnership, between the owner and the cultivator, of which Pharaoh himself set the example, was no longer recognised, and a fixed rent of so many measures of corn was required to be paid, whether there was an inundation—and consequently a crop—or not.

It has been observed that the annual inundation made a permanent system of landmarks necessary to enable the holders to reclaim their own plots. An inscription of the reign of Rameses VI. shows very clearly how plots of land were described and identified. Several estates or fields are bequeathed by an official to maintain the service "of the statue of the king," and the boundary of each district on the north, south, east, and west is circumstantially described; "the great mountain," "the river," "the papyrus field of Pharaoh," "the field of the keeper of the herds," "the gravelly fields" of a local governor, and "the fields with potter's earth," belonging to Pharaoh, are some of the boundaries enumerated.[3] The superficial area of the land is stated in each case; and it may be observed that in all, the dimensions given seem to indicate a long narrow strip, as if the holdings were generally shaped like the ploughlands, or acres of so many of the barbarian colonists of Western Europe.

The registration of the inhabitants in their various callings carried out in view of the public charges to which they were liable,[4] must have resulted in some sort of registration of the lands, as well as the cultivators. The peasant who was entered as occupying a particular plot, and as therefore liable for such and such dues to the king and the god, had his lawful occupancy thereby officially recorded, so that the temple registers came to serve as family title deeds. Thus, in the time of Philopator, a litigant named Hermias established his claim to the possession of certain wheat-fields (which some one else had sold), by proving that his grandfather was entered as their owner on the temple registers, this circumstance being held conclusive in the absence of any equally official record of their legal sale.[5]

[1] *Rev. Egyptologique*, iv. 138. [2] *Cours de droit*, p. 93. [3] Brugsch, *Hist.*, ii. 174.
[4] *Cours de droit*, p. 118. [5] *Ib.*, p. 128, and *Le Procès de Hermias*, p. 7.

The public notary, who is so conspicuous a person in the Ptolemaic period, gradually inherited the functions of the scribes of the temple, and ended of course by becoming a mere employee of the State. In the latter years of the monarchy, when sales of land became common, and the temple dues were merged in the general taxes, a special tax was levied on both sales and successions,[1] so that, unless the heir or purchaser had himself entered, as the owner of the acquired property, in the public registers, his future acts in administering it were rendered null and void, or, at least, voidable by any one producing a better title. After the Twenty-sixth or Ethiopian Dynasty, when the writing of private deeds begins, there is no doubt that such registers were written, ultimately indeed twice over, viz. in Greek and demotic; but it is not certain that during the days of Egyptian greatness any corresponding records were kept in writing. If they had been, some specimens of such documents could hardly have failed to reach us, and in their absence we are almost compelled to suppose, what is not in itself incredible, that the temples served as official repositories for traditional knowledge, rather than written proof concerning the ownership of land and kindred matters. Hieroglyphic, like Chinese writing makes such severe demands upon the memory, that that faculty becomes highly trained amongst all members of the literary class, and, as in peaceful times, before land was regarded as saleable, changes of ownership would be few, the record of them might be kept, safely enough for practical purposes, in the breast of the holy fathers.

Agricultural land is hardly ever sold in primitive communities, and in Egypt it does not appear that the position of the cultivator was sufficiently desirable to cause money to change hands in consideration of the transfer of the kind of tenant right, which was all that the peasant had to sell. Hence properties would remain practically in the same hands from generation to generation, and whoever knew the genealogies of the country people would know what land they tilled. In most cases, both kinds of knowledge would be common property to all the village; and when a doubtful or difficult point arose by way of exception, the verdict of a priestly college, after the parties and their witnesses had sworn, would be accepted, either as a just judgment or a divine oracle.

Arrangements were made for the preservation of some documents, as is proved by the survival of those relating to State trials, including one that is endorsed "to be copied," or "to be preserved in the governor's archives." Such documents were kept in sealed earthenware vessels,[2] and mention is made in one place, by the librarian, of his having looked over, and counted those in his charge. Records of judgments or pleadings, in the case of private citizens, have also been preserved, but only, so far as we can judge, in the case of disputes which had been decided by the courts. It almost seems as if no record was kept of non-contentious business; friendly contracts were concluded and observed without written witness; but if, by the default of either party, a transaction was brought into court, the

[1] *Cours de droit*, p. 125. [2] Erman, *Äg. u. Äg. Leben*, p. 167.

proceedings took a quasi-criminal character; and records of criminal proceedings were preserved.[1] In the Lee papyrus, which treats of the sentence on criminals found guilty of sorcery and high treason, reference is made to "the sacred writings," which command the infliction of such a penalty; but while the passage stands alone, it is not absolutely certain that "the writings of the divine words" in question were law books.

A curious custom met with as late as the eighth century A.D. shows the existence of a strong predisposition to "take a person's word" for facts bearing on their legal claims, in a way that is only to be accounted for by a long, ingrained habit of scrupulous affirmation. Failing other evidence, the solemn oath of an interested party was admitted even in support of his own claim, and accepted as conclusive by the other side.[2] The number of witnesses subsequently required for written deeds (in some cases as many as sixteen), probably reproduces the number required to receive the verbal statement which constituted the earliest legal acts. The substitution of written deeds for verbal contracts before witnesses was most probably connected with the introduction of demotic writing. The new character, if it did not modify the language and grammar of the country, at least put on record the alterations which the spoken language had already experienced;[3] it aimed at reproducing directly the sounds of modern speech, and escaped at once from all the limitations imposed by the ancient literary language with its stereotyped forms, fixed by the sacred character, and no doubt becoming, with it, less and less intelligible as the centuries went by.

It is strange, perhaps, that a nation, so much given to the writing of records, should have had no written records kept of the private business transactions and civil contracts of individuals, while such documents in Babylonia begin nearly as soon as the inscriptions of kings. It must be remembered, however, that Egyptian hieroglyphs are much more primitive in form than the earliest cuneiforms, so that the ancestors of the Egyptians may have left the cradle-land of letters, before the stage of development had been reached, in which the art of writing is used for civil contracts. The copiousness of the early deeds of Babylonia is, indeed, more remarkable and exceptional than the dearth of corresponding documents in ancient Egypt; and if the Egyptians did not bring with them the habit of writing such memoranda when they entered the valley of the Nile, there are reasons which may explain its not having been formed there till after the lapse of over two thousand years.

When the making of bargains is the professional occupation of a large class, single transactions cannot be left to the memory, and it becomes necessary, to avoid the double chance of fraud or error, that a durable record of every transaction should be made at the time, and preserved for future reference. But, as farmers are the last class to take to scientific

[1] In the table of precedence the superiors of the scribes of the rolls of the great court are said to register the decrees of the national judges. (Maspero, *loc. cit.*, p. 328.)

[2] *Revue Égyptologique*, 1882, p. 72.

[3] E. Revillout, *Cours de droit Égyptien*, vol. i. *L'Etat des personnes*, p. 9.

book-keeping, a conservative agricultural population can exist for a long time without using the writer's art.

The introduction of written deeds was an innovation, and the Greeks were given to understand that legislative reforms, in the popular interest, were effected at about the same time as this innovation. The Memphite king, Bok-en-ranf, who is identified with Bocchoris, succeeded the Twenty-second Dynasty, which supplanted the usurping priestly line. His reign, therefore, falls at a time when the power of the priesthood as a disinterested social mediator was at a minimum. During the Twenty-first Dynasty, which had Thebes for its capital, the high priest was of the royal family, and all the influence of the class was enlisted on the side of the dynasty, instead of in favour of popular, social, and religious conceptions. We do not know how far the internal affairs of the country were affected by the revolution, which placed Shishaks and Sargons on the throne of the Pharaohs, but if the priests were the natural guardians of legal tradition, and the authorities for legal custom, the records of such customs were evidently most in danger, when the abdication by the priests of their proper work, and the failure of their political ambition, had paved the way for foreign rule; during which neither native custom nor its guardians could expect anything save repression and neglect.

Lawlessness and oppression probably prevailed, and oppression may have taken advantage of the breakdown of the constitutional securities, respected by native rulers, to veil new abuses under the form of law. Tradition makes Bocchoris the friend of the poor, and not of the priesthood; while the statements of Diodorus and the analogy of China would lead us to conceive the ancient priesthood as the guardians of the orthodox theory of the ruler's duties to his people. But the priests could not reassume this rôle immediately after their representative had won and lost the royal crown; and it was open meanwhile for a restorer of the native monarchy to claim for the Crown the rôle rashly abandoned by the Church. The priesthood was the nearest approach to a dangerous aristocracy in Egypt, and a coalition between king and people, against such an aristocracy, is a familiar incident, whenever the balance of power between different estates of the realm has begun to oscillate.

The adoption at the same time of a new character, more available for secular purposes than the old Hieratic, would make it easy for the king to codify and publish the whole body of customary law, previously reserved for the knowledge and administration of the priesthood. M. Revillout justly compares this to the revolution effected in Rome when the mysteries of the patrician formulæ were first divulged.[1] In themselves, none of the measures ascribed to Bocchoris were opposed to the interests or traditions of the priesthood, but he was accused of impiety, and his government met with so little support that he ended miserably in the hands of an Ethiopian conqueror.

The loss of power and privileges which the native hierarchy suffered

[1] *Cours de droit Egyptien*, p. 47.

almost continuously down to the fall of Egyptian independence was both begun and facilitated by the secularization of law; and whether this result was intended or not by the king, it was probably foreseen by the priests, and not resented the less because it may have been provoked by their own remissness in protecting the poorer cultivators. Bocchoris is said to have abolished imprisonment for debt, and the selling debtors for slaves; and to have fixed the rate of interest at 30 per cent., while forbidding the accumulation of interest beyond the original amount of the debt; he also allowed the debtor to clear himself by oath in the absence of written proof of his liability; and in this way also the introduction of written deeds is represented as effected in the popular interest. The teachings of the old morality had perhaps lost their hold upon the owners of wealth, some of whom may have been foreigners engaged in trade. Money-lenders at any rate had become a source of danger, and the form of the remedial measure points to the existence of the same sort of abuse, as has prevailed under English rule in India, and in modern Egypt, where usurers multiply at their own discretion the liabilities of the illiterate peasant.

Probably the real customary law of the country was on the same lines as the edicts of Bok-en-ranf; the professional money-lender, like the professional banker, is the first to need to have his dealings controlled by documentary evidence; but unlike traders, who meet their fellow-traders upon equal terms, the one professional lender has to do with a number of what may be called amateur borrowers, whom it is easy to terrorize or defraud. Before the rise of such a class, the account of small loans between neighbours was probably trusted to the joint memories of the parties, and in the event of dispute, an oath given at the nearest temple was held conclusive. Professional money-lenders, profiting by the political difficulties of the priesthood, may have repudiated this method of decision, and the laws of Bocchoris were admirably devised to secure to the peasants the protection of *either* Church or State, of the king or the gods, against the claims of fraudulent or extortionate creditors.

The sons of Kush were, if anything, more addicted than the Egyptians to the secular use of letters, and the earliest surviving deeds date from the Ethiopian dynasty, which probably therefore allowed the laws of Bocchoris to continue in force. We may be certain that new laws promulgated by an unsuccessful under-king would not have been adopted by successive and originally hostile dynasties; but the codification of old native custom secured it against infraction, either through the selfishness of private individuals or the ignorance of foreign rulers.

It is curious that while the legal rate of interest was fixed at 30 per cent., that for loans of agricultural produce was left at the higher rate, perhaps fixed by ancient custom, of $33\frac{1}{3}$ per cent.[1] The Kabyle custom (which fixes the term for a rahnia pledge at three years, taken in conjunction with this rate of interest), the Chinese law on the subject (which is identical with that of Bocchoris), and one ancient Babylonian contract,[2] combine to suggest

[1] *Les obligations en droit Egyptien*, p. 70. [2] See below, Book II. ch. v. § 3.

that the domestic races, before their separation, had excogitated the idea of loans as granted for a standard term of three years, one-third of which was to be paid off each year in the form of interest, and the original sum repaid at the end of the time. The interest was supposed to represent the real value, to the borrower, of the thing borrowed during the time he had it in use, as the prevalence of antichretic bargains shows.

It is difficult for a primitive race to conceive the idea of land as an exchangeable property, and at the same time these born traffickers had already, in prehistoric times, equalled, or even surpassed, the ingenuity of modern Europe in converting values of every sort into negotiable "effects." But underlying all this commercial enterprise, there was, to all appearance, a solid conservative prejudice that a man should keep such property as he had. If he lent it for three years, he expected to have it back at the end of them, and the assimilation of land to other capital, which occurs inevitably among a commercial people, was effected in this way: land did not become a fugitive and insecure possession like money, but money was expected to be as constant to its owner as land.

Loans in kind, to be repaid at a specified date, were common in Egypt; for instance, so many measures of corn or oil to be repaid at the next harvest; and there can be little doubt that the first loans bearing interest were of this kind. While land and game are still plentiful enough to be had for the taking, the capitalist, in agricultural communities, is the man who has seed corn to spare at the time of sowing. In China, where modern expedients are criticised by the light of ancient principles, a very rational distinction is drawn between loans for need and loans for profit. Among the primitive progressive people who cultivated the wild wheat of Babylonia, we may feel sure that the primitive instincts of hospitality never sank so low, as for one man to ask another to give him back, with increase, the corn borrowed and eaten in a day of need. But the case is quite different as regards corn to be used, not for food, but for seed, capable of bringing forth 100-fold. At such a time, to lend a measure of corn is to give up the near and certain prospect of its natural increase, and the owner, without churlishness, may stipulate for a share in the increment of value contributed by earth and heaven. If one man gives the seed and another the labour, and the sun and river grant an abundant harvest, a third part of the whole crop might not unnaturally seem a fair share for each of the partners in the adventure, while in three years the heaven sent residue would pay off the loan. Some such primitive calculation must have been made in the first instance, to account for the selection of three years as the term within which all lawful interest had to be paid off, and the corresponding usage must have been found practically equitable or it could never have become so deeply rooted and long enduring.

In Chaldæa, where trade sprang up as early and throve as exuberantly as agriculture, the rate of interest for the use of money was nearly or quite as high; because money or valuables employed in trade bred money and valuables as fast as seed bred ears of corn. But in archaic States, where

forethought does not go much beyond the coming harvest, loans for agricultural profit are mostly for short terms, for months rather than years, while loans for necessity are given free of interest, or converted into gifts by relatives or fellow-clansmen. Hence a nominally high rate of interest may be customary and legal, as in China, without the poorer classes falling abjectly into the power of money-lenders. The notion of interest to be paid in perpetuity, by one generation after another, is distinctly modern, and involves inconsistencies of which primitive common sense was less tolerant than we are. The indefinite growth of indebtedness, by the accumulation of simple and compound interest, was perhaps hardly a danger in ancient Egypt; and the importance attached to the legislation of Bocchoris may have been owing to the recent development of abuses introduced since the influx of foreign kings and traders.

The device by which the law against the accumulation of interest was evaded, during the later years of Egyptian history, is almost certainly a late, and probably not a native, invention. Instead of stating the amount of the debt and the interest to be paid, deeds were drawn up stating that such a sum was to be repaid at a given date, that sum including both the principal and the legal interest, with a penalty, usually equal to the original debt in full, for breach of contract.[1] Such loans are described as capital including the increase, and by them a peasant, borrowing three measures of corn and promising to return four at the end of the year, or forfeit six if he failed to do so,—would find his debt doubled at the end of one year instead of three. The assistance of the official notaries and the six witnesses required for the smallest transactions was, however, a security against the original loan being misrepresented; and if the exorbitant penalty was not exacted because of the debtor's indigence, a fresh deed was needed to prolong the liability, so that, in spite of evasions, the law probably limited the usurer's profit, to what he could squeeze out of his victim, in the comparatively short term between one and three years.

This evasion was probably suggested by another feature of Egyptian contracts. It was usual in such documents to stipulate for the payment of a heavy fine, in addition to the principal and interest, if these were not paid when due. In Babylonia, the corresponding penalty, if mentioned at all, was stated to be payable either to the king or to the god of some temple, and latterly in Egypt the penalty to the king was the rule, which gave the fisc an interest in enforcing contracts. The foreign rulers viewed with dissatisfaction the custom which made the claims of the private creditor take precedence of the fine, so that if the defaulting debtor was able to pay his debt and nothing more, the State derived no benefit from its intervention. In China the State is very seldom appealed to to enforce the fulfilment of contracts or even the payment of debts; credit is easily obtained, and persons engaged in the humblest industries avail themselves of this resource as readily as merchants of position. In any class a person who fails to meet his engagements suffers the natural punishment of his

[1] *Les Obligations en droit Egyptien*, p. 69.

offence, in not being able to borrow or buy on credit again. Most probably this simple, self-acting penalty was found sufficient in the days of Egypt's prosperous isolation. The bare stipulation for an exorbitant fine was scarcely likely to be complied with, by those who were unable or unwilling to meet their just liabilities; and the appeal to the king, in itself an afterthought, followed almost necessarily, when contracts multiplied, and were not always so mutually advantageous as to be fulfilled of course without penalty.

It is noticeable that, while law or custom effectively defended the debtor against oppression by his creditors, the right of the creditor to recover the actual amount of his loan was not less fully recognised; and the invocation of the king, with a view to making him a party to the cause of just repayment, is characteristic of the early trading race. As the "king's peace" was invoked to enable warlike tribes to sink private feuds, and settle into civilized society, these zealous traders, with little taste for fighting, invoked the king's justice to hold private dishonesty in check, and in so doing he was not conceived to abandon his proper rôle as protector of the poor; the non-payment of a loan was reprobated as dishonesty, because borrowers were a solvent class.

In some Egyptian contracts, for instance those relating to the payments connected with a marriage, the penalties were conceived as offering a real alternative; if the bargain was not carried out, such and such damages were to be paid—and the attempt to provide in the original deed for the contingency of its non-execution is probably ancient, as it is certainly characteristic of the early disposition to leave individuals free to settle their own affairs to the joint satisfaction of the parties, without State help or regulation.

The use of this stipulation for a money fine helped to strengthen the Egyptian tendency, already mentioned, to regard all obligations as partaking of the nature of a loan or debt, because the method of recovery was the same in all. And the primitive Egyptian form of marriage settlement became encumbered with a good many legal fictions, arising from this source, the husband affecting to be in his wife's debt for moneys which he really intended to convey to her as a gift.

Four classes of goods were recognised in Egyptian law: immovables, such as land or houses, to which alone the antichretic form of mortgage was usually applied; movables, such as furniture, precious metals, clothing, gathered crops, etc.; things that move themselves, *i.e.* animals and slaves; and abstract possessions, such as rights to liturgies, interests in other person's debts and the like. Things moving themselves might be alienated by a single act, and therefore in the comparatively rare cases of fiduciary sales or mortgages of such property, a second deed was appended, stipulating for their return on repayment. Dead "movables" had to be given back in good condition (a stipulation enforced against pawnbrokers in China), and the increase of live movables restored when the pledge was redeemed, as in the case of land, by the form of resale.

Ordinary contracts were as simple as possible; the lawful owner sells outright for the price paid down in full, and reasonable evidence of consent between the parties sufficed to secure lawful recognition for the bargain. As in China, corn and silver were used as the chief medium of exchange; the formulas of sale always speak of silver, but rents, even of town houses, were paid in corn down to a late period. Silver was sold by weight, but that it was not used or regarded as money is proved by the fact that the owner of a piece was more inclined to pledge than to change it. The names of moneys mentioned in demotic deeds are nearly all of Semitic origin, but pieces of metal perforated and strung like Chinese cash were used to some extent. The commercial races of remote antiquity dispensed with the use of current coin by the same means which cause its use to be so much restricted in modern Europe. The proportion of actual gold or silver, used by a wealthy Englishman, is small indeed in comparison with the transactions he effects by means of paper credits, of one sort or another; and in ancient Egypt and Chaldæa, as in modern China, the ready use of barter in small transactions and of credit in large ones, enabled business to go on briskly without the help of gold or silver coinage.

The value of the later Egyptian coins and of the weights and measures in use will be referred to below in connection with the general diffusion of standards derived from Babylonia.

## CHAPTER VIII.

### *DOMESTIC RELATIONS AND FAMILY LAW.*

### § 1. Domestic Relationships.

The family relations of the ancient Egyptians are abundantly illustrated by their inscriptions, and it is not supposed that the legislative reforms of Bocchoris effected any change in the national customs regarding marriage and inheritance. We are, however, indebted to him for the abundance of written materials bearing on this subject, by the help of which we are not only able to form some idea of the spirit of Egyptian family life, but also to reconstruct in outline the legal status and proprietary rights of different members of the family group, as recognised from the Thirty-second to the Twelfth Dynasty, and most probably back to a still earlier date.

Reference has been made already to the ideal of a great and good Egyptian as set forth in ancient epitaphs, but the domestic virtues are as much insisted on as the liberal wisdom desiderated in a governor of men. The subject of an inscription of the Fifth Dynasty calls upon his descendants to bear witness for their ancestor that he was one "who lived in peace and wrought righteousness, loving his father, loving his mother, giving way to his companions; the joy of his brothers, the beloved of his servants, no accuser or slanderer, a teller of the truth which is dear to God."[1] In an epitaph of the Hyksos period, the speaker, who boasts a family of sixty children, says of himself: "I loved my father, I honoured my mother, my brother and my sisters loved me."[2] The commonest formula, which continued in use as long as Egyptian civilization survived, was one describing the deceased as "loving his father, reverencing his mother, and being beloved by his brethren;" and there can be no doubt that this phrase, when first adopted, represented the maturest convictions of Egyptian philosophers as to the sentiments necessary for the felicitous working of the family relationships. It seems as if they assumed that fathers would certainly be sufficiently reverenced if they were loved, and mothers loved enough if they were honoured;[3] and they recognised certain possible

[1] Lepsius, *Denkmäler*, ii. p. 81.

[2] Brugsch, *Hist.*, i. p. 262.

[3] A passage in the Babylonian Talmud may preserve the traditional comment of Chaldæan wisdom upon a similar formula: "It is open and known to Him who spoke and the world was created, that the son honours his mother more than his father, because she appeals to him with words; therefore has the Holy one, Blessed be He, set the honour of the father above the honour of the mother. But it was also open and known to Him who spoke and the world was created, that the son fears his father more than his mother, and therefore the Holy one, blessed be He, has set the fear of the mother above the fear of the father." (*Tractat Kidduschim*, 22. Wünsche's Tr., vol. ii. p. 92.)

sources of disagreement between brethren which made the subsistence of fraternal affection as meritorious as it was desirable.[1]

Whatever weak points there may have been in the popular morality of the Egyptians, one all important moralising agent was conspicuous by its presence through the millenniums of the national independence. They are certainly the first of all the nations in the world to put on record the existence, and their appreciation of the existence, of love in marriage. From the great officer and land-owner of the ancient monarchy, whose tomb records his reverence for the lost wife "who was sweet as a palm tree in her love to Ti," onwards through successive centuries and dynasties, there is no mistaking the accent of strong and delicate feeling which meets us in one monumental record after another. Whether it is a wife, a parent, or a child who is named, together with the subject of any funeral inscription, the words "who loves him" follow as a matter of course, as inevitably as the name of the mother who gave him birth. All the domestic relations have received the same illuminating touch. The mere animal regard, born of kinship and propinquity, has developed into tender, fully self-conscious affection, and the moral sense of the community has come to recognise these affections as so entirely natural that the want of them would be blameworthy. Epitaphs may not have been more entirely veracious in Egypt than elsewhere; but in no other country, ancient or modern, do we find so clear and full a description of the purely domestic virtues, as forming the best and chief title of the departed, to the regard and remembrance of posterity.

These affections are counted among the pleasures rather than the duties of life, for the inscription on a woman's tomb[2] urges and warns the survivors to miss none of the joys of love and life, since the disembodied dead sleep in darkness, and this is the worst of their grief; "they know neither father nor mother; they do not awake to behold their brethren; their heart yearns no longer after wife or child."[3] Men may claim on their tombstones the possession of virtues which they have not practised, but they will hardly bewail the loss of pleasures which they have not enjoyed. The association between the ideas of relationship and affection is so ancient and intimate that in the Book of the Dead, Horus, or the deceased in the character of Horus, more than once claims the affection of Osiris in the familiar terms: "I am a son loved by my father;" "the son of the god who loves him;" Horus has performed the funeral rites as a son beloved of his father Osiris."[4]

Mention has already been made of the importance attached in Egypt to the two incidents of maternal ancestry and primogeniture, but it is only in

[1] In the Twelfth Dynasty, "rival brothers" are mentioned as a class of disputants whom only a wise judge can dismiss contented from his tribunal.

[2] Maspero, *Hist.* (German tr.), p. 41. So in the song of the Harper (*Journal As.*, 1880, p. 400) the bitterness of death is for the day to come "when you must approach the silence-loving land, though the heart of the son who loves you has not ceased to beat."

[3] The latest version of this text is by G. Benedite, *Memoires de la Miss. Arch. Française au Caire*, 1893, p. 529.

[4] *Le Livre des Morts*, tr. by Paul Pierret, lxxiii. 3; cxlv. 19; cxlvi. 29.

regard to the transmission of property that the position of the Egyptian mother seems to have been one of exceptional authority.[1] Reverence was certainly her due, and gratitude for the benefits her care bestowed upon infancy and childhood. When the son is married and has a household of his own, he is warned not to forget all that he owes to the mother, who suckled him for three years and brought him his food every day when he was at school.[2] Similarly, when he has entered into his inheritance, when his hands are strengthened and the grief for his father's death assuaged, he is warned in the name of the great chief (Osiris) not to tell lies against—or to oppose—his mother,[3] an exhortation which is doubtless to be understood as referring to their respective shares in the family property. But the fact that such exhortations were needed proves that the son and heir was not dependent on his mother, or subject in any peculiar sense to her authority. There are no indications of her admitted claims to respect being pressed to anything like the extent, for instance, of the authority assigned to both parents in China, where the wife is as subordinate as the mother is supreme. The queen consort in Egypt took precedence of the queen mother, and the special authority of the mother, if it ever existed, must have ceased in prehistoric times.

The wife, on the other hand, at the beginning as at the close of Egyptian history, appears to have occupied a position of substantial equality in relation to her husband for which it would be as hard to find a parallel in modern as in ancient history. In the tombs of the Ancient monarchy, husband and wife are represented sitting side by side, the hand of one resting caressingly on the other's shoulder, with sons and daughters standing round them, offering flowers, sitting at their feet or embracing the father's knee or staff. Sometimes the monuments represent the "superb" action of the modern Bedawee, admired by Lady Duff Gordon in the streets of Cairo, when man and wife walk side by side, the latter proudly erect and resting her hand on her husband's shoulder.[4]

As is well known, the size of the figures in these wall pictures indicates their comparative rank and importance; the king is larger than his subjects, the master than his servants, the parents than their children: husband and wife, on the other hand, are usually of the same size, which represents the relation of equality existing between a great man and his first or only wife of equal birth; sometimes, however, the wife and sometimes the husband[5] is represented on a smaller scale, and in such cases we may generally infer that the reduced size indicates inferior rank or station. If two wives are represented, they appear no larger than the children.

As legislators and moralists are accustomed to insist chiefly upon the

[1] It may be taken as a recognition of the importance attached to the relationship that, in the treaty of Rameses with the Khita, it is said of fugitives: his house, his wife, his children shall not be destroyed; *his mother shall not be slain.* (Maspero, *Enquête judiciaire*, p. 79.)

[2] Chabas, *L'Egyptologie. Maxims of Ani*, 37.

[3] Maspero, *Du genre épistolaire*, p. 70.

[4] *Letters from Egypt*, p. 78.

[5] Lepsius, *Denkmaler*, ii. 42. G. 89 *b*.

BENGAL SECRETARIAT

importance of duties which are in danger of being neglected, we may argue, from the scarcity of texts respecting the duties of husbands or wives, that the Egyptians of both sexes were as a rule satisfied with the conduct of their consorts. Ptah-hotep devotes some sentences to the relation, which would be invaluable for our present purpose, if their meaning could be determined with confidence or precision. But the obscurity of the language as yet baffles translators, and we can only build on the sense of the few paragraphs respecting which they are substantially agreed.

The wise man, we gather, will watch over his house and love his wife unmixedly ; he will clothe and anoint her—phrases in which it is possible to see a primitive recognition of the two payments to the wife secured in demotic marriage contracts, namely, toilet money and pin money, the latter of which seems to have been intended or used mainly to pay for oil or perfumes. He will not be rough with her ; kindness avails more than force. He is counselled in emphatic terms to fulfil her desires—that is to say, something—the translators are at a loss to know exactly what, but it is paraphrased in the original as "her breath, her eyes, her looks"—is to be given her, that she may rest contented in her house. For the husband to repulse his wife is the abyss : his arms and his love should be open to her. There is the less doubt about the rendering of the latter clause as the same idea reappears almost verbatim, in the comparatively intelligible Maxims of Scribe Ani : "Open thy arms for her, call her to thy arms, show her thy love." The general sense of the whole passage seems to be in favour of just that very kind of domestic, not to say uxorious felicity which we have reason otherwise to regard as characteristic of the Egyptians ; to love his wife and her children, and to enjoy their society and their caresses, was regarded as a counsel of wisdom, not a concession to the weakness of the flesh.

In a subsequent passage the subject is recurred to. Taking a wife, we are given to understand, should be a joyful business, but that depends upon the wife's goodwill, which is to be ensured by love and kindness. M. Virey's version[1] of this difficult text has the great merit of giving the various renderings of other scholars who have attempted it, together with a word for word translation of the most unmanageable clauses, upon which the unlearned reader can base his own conjectures. This second passage concerning wives goes on, according to M. Virey himself: "Elle sera attachée doublement si la chaine lui est douce," but the *mot-à-mot* is : "Étant elle dans l'attache doublement, douce a elle le lien ;" while Brugsch in the same place uses the words "ist sie verlobt,"—"if she is betrothed." It is just possible that we have here an allusion to the two stages in a marriage (the accepting and the establishing as wife) of which we hear so much in later documents, and that the sage recommends the completion of a marriage settlement, as tending to ensure the constancy and attachment of a wife.

[1] *Bibliothèque de l'Ecole des hautes Études du Louvre*, 70th Fascicule, 1887, and *Records of the Past*, N.S., ii. 1 ff.

A pretty hint as to the relations existing between the spouses in most households is given incidentally in the Ramessid collection of maxims already quoted. Every way of life has its natural preoccupations:—"a wife talks of her husband and a man of his trade."[1] If anything, the Egyptian Solomon seems to suppose that the husband's temptation will be to meddle too much in household affairs: "Be not rough with thy wife when she keeps good order. Say not: Where is that? bring me this! For she hath put everything in its proper place . . . put thy hand gladly in hers. There are many who know not how they bring unhappiness home."[2] The same author gives a warning against strange women, and on the whole the moralists seem to have thought it more necessary to exhort men to avoid their neighbours' wives than to warn them not to ill-treat their own. In a demotic book of sentences, which in many cases reproduces the sayings of the ancients, we find the precept: "Ill-use not thy wife; she has transgressed, let her depart with her property,"[3]—as if the idea of ill-usage apart from transgression did not present itself.

The only indication of marital or masculine superiority, which can be extracted from these texts, lies in the fact that nothing at all is said about the duties of the wife. As it is taken for granted that the subject people will be good and happy if the king and his officers do their duty, so it seems to be assumed that the happiness of the family will be secured if the husband and father does his part; and though this is rather a paradoxical way of proving his supremacy, the argument is fair from the Egyptian point of view. So far as there was a difference between the consorts, the husband was thought of as depending on the wife for his pleasures, and the wife as depending on the husband for her virtues; but the only prerogative claimed for the man in the family, as for the ruler in the State, was a somewhat larger share of moral responsibility.

The ruler, it was felt, might be tempted to spend for his own pleasures or glorification the food needed for his people's maintenance, and the father of the family might be tempted to seek his pleasures outside the domestic circle. The moralists wisely addressed themselves to the most apparent dangers, and did not go on to imagine that the mass of the people would be idle, or the generality of wives unfaithful or unloving, when kings and husbands were liberal and loyal. But as all Egyptian moral precepts emanated from men of letters, holding high office in the State, that is from the class whose duties are thus seriously set forth, we must conclude that the tendencies reprobated were distinctly less marked in Egypt, than in those countries where they have been tolerated, or regarded as inseparable from the qualities otherwise most highly esteemed.

In view of the very large proprietary powers exercised by Egyptian wives and mothers, it was so evidently necessary for the consorts to be habitually of one mind that the expediency of marriages of inclination was rendered obvious, while the part assigned to the firstborn in the domestic economy

[1] *Maxims of Ani*, 30. [2] *Ib.*, 54.
[3] *Cours de droit Egyptien*, p. 29.

of the country furnished special arguments in favour of early marriages, in addition to the ordinary desire for posterity. The father is advised not to make his son take a wife except after his own heart; and the first of Ani's maxims says: "Take to thyself a wife in youth, thy son will do likewise for thee;" that is to say, you and he will both have sons born in your prime; and the father is considered to have most to gain by this result, as he makes sure of a grandson as well as a son.

The relation between the three primary members of the Egyptian family group is so close that it is scarcely possible to consider them except together. The typical Egyptian triad consists of father, mother, and son; the gods themselves are arranged in such groups and the tutelary deities of different towns or nomes are usually more or less closely associated with the two other personages who go to make up the divine family.[1] It seems as if the rapid development of family affection, within the natural household, had caused the proprietary rights commonly extended in primitive communities to a whole clan, to be made over unimpaired to the family group. Parents and children (the eldest child representing all the rest) were conceived, so to speak, as forming a corporation, and to this—the natural as distinct from the conventional family—the property of the family was considered to belong.

The earliest legal documents yet translated are those found by Mr. Petrie in the Twelfth Dynasty town of Kahun. They profess to be "settlements of property, otherwise wills, drawn up respectively in favour of a brother, a wife and a son of the testators. In the first an architect, Ankh-ren, says: "All my property in the garden and in the town (?)[2] shall belong to my brother the sub-priest of Sepdu . . . called Uah. All my friends (?) belong to this my brother." A copy of this was deposited in the hall of the second reporter of the king in the year 44 (? of Amenemhat III.). The legatee Sepdu, after inheriting under this will, settled on his wife all the property he had derived from his brother, Ankh-ren: "She may give it to any whom she pleases of her children whom she shall (?) bear to me. I give to her the servants, three persons, which my brother, . . . Sekhemren gave to me. She may give it to any of her children she may wish." He also reserves absolutely to his wife his tomb and a house Sekhemren had built for him.

In general, the motive for reserving such a right of appointment to the wife would be, not so much to increase her liberty of enjoyment, as to leave her free to provide, at discretion, for the children as they come of age to want their share, in the way the father would have done. It is, however, possible in this particular case that the father wished for some reason to exclude his eldest son from the position naturally due to him; for there is a postscript to the will to say that a lieutenant Sibu is to have the training of any son that may be left, instead of his son. If not the result of family

[1] Wiedemann, *Geschichte*, p. 49.

[2] This is the common phrase in Babylonian deeds: in later Egyptian ones, "all my property, present and to come," is more frequently mentioned.

dissensions, the clause will point to the existence of the custom of fosterage.

Another of the Kahun documents, probably belonging either to the reign of Usurtasen I. or Amenemhat III., shows that both wills and marriage settlements, in the interest of wives and children, were in use; but we gather that the settlement by itself would be sufficient when there was only one family of children to be provided for. In this case the testator had been twice married. He gives his office to his son, named like himself, Meri-antef, saying: "I am growing old now that I have become aged in it. Let him enter upon it immediately (?). Verily my settlement which I made to his mother remains to her from front to back. Verily my house which is in the 'desert of the house' and on which my hand remains, it is for my children which Sit-ama . . . has borne me, namely . . . Sebek . . . Nebt H . . . ; together with all that it contains." The motive of the will is obviously to induce Meri-antef, in consideration of immediate entry on his father's office, not to raise any difficulty against the provision for Sit-ama's children. Indeed, the proposal to leave to her the house on which "his hand still remains," seems to imply that the rest is ceded already.[1]

## § 2. Proprietary Partnership of Wives.

The earliest marriage contracts which have reached us are the most meagre, and contain only a general undertaking to do all that belongs to a lawful marriage, *le faire a toi mari*, as M. Revillout renders it. Deeds prior to Darius I., *i.e.* between him and Bocchoris, are not numerous, and are in all ways less explicit than those under the Lagidæ; for instance, "I have established thee for wife; to thee belong all things depending on my being thy husband from this day forth."[2] Common law or custom fixed no doubt exactly the position of an "established wife," and it is our misfortune that the first written deeds treat this as too well known to need specifying. There seems, however, little room for doubt that the equal, lawful wife, she whose proper title is "lady of the house,"[3] was also joint ruler and mistress of the family heritage. In a love song translated by M. Maspero[4] we find this co-proprietorship of the wife treated incidentally as the sign or symbol of complete union: "O mon bel ami, mon desir c'est (que je devienne maitresse de) tes biens en qualité d'épouse, c'est que, ton bras pose sur mon bras, tu te promènes a ton gré, (car alors) je dirai à mon cœur qui est dans ton sein (mes) supplications."[5] The whole tone

[1] *Kahun, Gurob, and Hawara*, W. M. Flinders Petrie, pp. 45, 6.
[2] *La Condition juridique de la femme dans l'ancienne Egypte*, by G. Paturet, p. 47.
[3] *Rev. Egyptologique*, i. p. 132.
[4] *Journal Asiatique*, 1883, p. 35: If he does not come to her, she is as one who is in the grave. Cf. *ante*, p. 199.
[5] Arab poetry contains nothing more impassioned than a love charm quoted by M. Revillout in his version of the "Tale of Setna" (p. 37, n.). The gods are invoked against So-and-so, daughter of Such-an-one, that she may not eat or drink or anoint herself, or sit in the shadow of her home, till she goes to him wherever he may be. "Her heart forgetting its rest and her time passing without her knowing where she is, till she

of the poem is too impassioned to let it be supposed that the lady desires her lover's property for its own sake; only, such ownership being of the essence of wifehood, she mentions it as synonymous with the marriage for which she sighs.

All written marriage contracts refer to the "taking" and the "establishing" as wife, as two distinct steps, and in some the second stage, which seems to have conveyed the proprietary rights, was not taken till after the birth of children. There were thus apparently *de facto* wives, not necessarily holding the rank of "lady of the house," but capable of being promoted to it by a retrospective contract.

It is possible that, as in ancient Irish and Welsh law, marriages of different degrees were recognised, and there seems an intimation of something of the kind in the different phrases used to describe the women-folk of the workmen aggrieved by Paneba, in the time of Seti II.[1] The culprit is accused of violating "the *wife* of the workman K., the woman H. *who was with* P., and the woman H. who *was with* . . . and *was as a wife to him.*"[2] We know by the demotic deeds that persons of quite humble station entered into the orthodox partnership with an established wife, and the retrospective contracts of establishment[3] were evidently as a rule entered into by the husband for the benefit of a woman, who had been "with him as a wife to him;" and relations of an even less binding character than this were not ignored. The difference between the legitimate marriage by establishment and other unions consisted in the former being necessary when the object in view was to found a family or to continue one already existing, and the importance attached to descent on the mother's side seems to have operated as a sufficient inducement to the men of Egypt to enter into the customary contract, so as to secure the status of their sons.

Why the act of marriage, like the purchase of land, was conceived as consisting of two parts, is a matter of conjecture. M. Revillout suggests that the taking to wife may have been a comparatively informal matter, needing ratification at the end of a year if it is to carry serious proprietary rights; he quotes customs of Bretagne, Anjou, and elsewhere which make the *communauté de biens* between the married pair only begin in its completeness when they have been married for a year and a day; and he rightly claims the old Scotch custom of handfasting, described by Sir Walter Scott, as an instance of the same type of primitive usage.[4] As has been seen, Ptah-hotep seems to recognise two steps or links in the marriage bond, of which one partakes to some extent of the character of betrothal. Among the modern Kabyles,[5] the first step towards marriage

sees him eye to eye, heart to heart, hand to hand, giving him all her being." Erman (p. 519) renders the same passage, "If my *elder brother* does not come." Does the elder brother marry a sister and the elder sister a brother?

[1] Chabas and Birch, *Plainte contre un malfaiteur*, p. 181.

[2] The phrase for a woman living with a workman is "one who clothes" her man.

[3] *Cours de Droit*, i. p. 222.

[4] *Revue Égyptologique*, i. p. 110.

[5] Hanoteau and Letourneaux, vol. ii. p. 213.

is an interview between the parents or guardians of the parties, which is equivalent to a betrothal; both parties are bound by it, and the marriage gift must be paid afterwards and the person of the bride given up within a term which, apparently, must not exceed one year. We can set no limit to the date of Berber customs like this, which had become inveterate before the spread of Islam; but the betrothal is clearly parallel to the Egyptian "accepting"; and the fact, that the bestowal of the marriage gift belonged to the second stage of the transaction, harmonises with what we see to have been the case in Egypt, as to the co-proprietorship of the wife, which begins with the deed of establishment. Similar marriage customs lasted in parts of Asia Minor till long after the extension of the Roman empire.[1]

The endowment of the wife by the husband with all his worldly goods was intended in Egypt as a step to the admission of the children of the marriage into the same partnership, and it is therefore very probable that, in the first instance, the community of goods was not intended to take effect till after the birth of the first child; and thus the customary year of provisional or informal marriage of the Berbers and Egyptians would connect itself with the secret intercourse sanctioned under the same circumstances by the Spartans, the modern Albanians, and other tribes with a rudimentary civilization. Even at the present day, among the Basques, custom sanctions a good deal of midnight wooing; betrothal is intended to end in marriage, and the proprieties are satisfied so long as the ceremony precedes the birth of the eldest child.

As society became settled, it was natural to substitute a fixed period, like the Celtic year and day, for the variable interval preceding the birth of an heir; and there is direct evidence in favour of such a term having preceded the establishment of the normal proprietary partnership. The son of a woman, who died before the end of the first year of a second marriage, claimed to have his mother's dowry restored to him, the second husband's family having taken possession of that, together with the rest of his property. On the one hand, the woman had not become entitled to dispose of her second husband's property, and on the other, he had not become absolute owner of what she brought him. If there had been children from the marriage, of course they would have inherited the property of both parents, and, failing children, if the marriage had lasted longer, perhaps the action of the husband's family would have been justified; but as it was, the claim of the son by the first marriage was allowed.[2]

Even when there had been no betrothal and no intention of marriage, Egyptian law or custom seems to have recognised the claim of any mother of children to some kind of provision at their father's expense. By a

[1] See *post*, Book III. ch. vii.

[2] *Revue Égyptologique*, vol. i. p. 110. The husband declared himself to have received two talents of copper as a dowry with the woman, and he engaged to marry her at the end of the year or else to return the dowry and half as much again. In this case both parties died before the term expired, but the existence of such a contract in writing is conclusive proof that similar agreements were customary.

curious deed of the Ptolemaic period,[1] a certain Lothario cedes to a woman a number of slaves; and—in the same breath—recognises her as his lawful wife, and declares her free *not* to consider him as her husband. She and her father are authorized, under penalties, to claim the discharge of the payments promised, which are evidently regarded as an alternative for a regular marriage, with retrospective endowment or establishment, like that contained in another deed given by M. Revillout.[2] The marriage having been broken off, the lady, after the Egyptian fashion, accepts damages for breach of contract instead of pressing for specific performance.

A byssus worker at the factory of Amon promises, to the wife he is about to establish, one-third of all his acquisitions from thenceforward: "my eldest son, thy eldest son, among the children born of thee previously and those thou shalt bear to me in future, shall be master of all that I possess now or shall hereafter acquire, except the business of byssus weaving of Amon"—which perhaps was more or less in the gift of the priests. As no religious or moral superiority seems to have attached to the established wife, it may have been usual for the lower classes only to execute deeds of this kind, in the event of becoming possessed of property beyond their ordinary earnings. Where such arrangements were not made voluntarily, public opinion was always in favour of the woman, as is shown by a Coptic story of S. Maccarius,[3] who was wrongfully accused by a young woman, and obliged to call her his wife and contribute to her support, till she confessed that she had lied in calling him the father of her children.[4]

In dealing with Egyptian marriage contracts, we have to depend almost exclusively upon the publications of M. Revillout, and a general acknowledgment of innumerable obligations to that indefatigable scholar may be accepted instead of incessant references. The following contract of marriage made in the thirty-third year of Ptolemy Philadelphus is fairly representative of the family arrangements then usual. "Patma, son of Pchelchons, whose mother is Tahet, says to the woman Ta-outem, daughter of Relon, whose mother is Tanetem: I have accepted thee for wife, I have given thee one argenteus, in shekels five, one argenteus in all for thy woman's gift. I must give thee six oboli, their half is three, to-day six, by the month three, by the double month six, thirty-six for a year: equal to one argenteus and one fifth, in shekels six, one argenteus and one fifth in all for thy toilet during a year. . . . Thy pin (or pocket) money for one year is apart from thy toilet money, I must give it to thee each year, and it is thy right to exact the payment of thy toilet money and thy pin money which are to be placed to my account. I must give it to thee.

[1] E. Revillout, *Cours de droit Egyptien*, vol. i. p. 111.
[2] *Revue Égyptologique*, vol. i. p. 113.
[3] *Ib.*, p. 118.
[4] Another example of the domestic discipline enforced by Egyptian village councils is given by Wessely. ("Greek Contracts," *Rev. Égyptologique*, 1887, p. 67.) Four villagers pledge themselves to the priest, scribe, and mayor of the town of Arsinoe, that a fellow villager of theirs will become the friend of his wife, and will love her as noble women ought to be loved!

Thy eldest son, my eldest son, shall be the heir of all my property present and future. I will establish thee as wife. In case I should despise thee, in case I should take another wife than thee, I will give thee twenty argenteus. . . . The whole of the property which is mine and which I shall possess, is security of all the above words, until I have accomplished them. The writings which the woman Tahet, daughter of Teos, my mother, has made to me, concerning one half of the whole of the property which belonged to Pchelchons, son of Pana, my father, and the rest of the contracts coming from her, and which are in my hand, belong to thee, as well as the rights resulting from it. Son, daughter coming from me who shall annoy thee on this subject, shall give thee twenty argenteus. . . ." [1]

This document, which is only one of a number, clearly illustrates the proprietary independence of women. The mother or grandmother of the parties are named, and the fact that the mother of the bridegroom had half her husband's property to bequeath or assign, is amongst the evidence which shows that the mother and children, in the natural course of things, halved the inheritance between them on the father's death. But apart from special contract or settlement, it is probable that neither of the spouses inherited from the other.

M. Paturet, a pupil of M. Revillout, is disposed to distinguish two types of marriage settlement, the former of which secured to the wife an annual pension of specified amount, while the latter, and presumably the more ancient, established a complete community of goods. The yearly income or allowance in corn, oil, or silver assured to the wife was regarded as interest on the money lent to the *communauté* by her, or in other words, on the portion she brought to her husband on marriage. This interest was due from the husband as long as the marriage lasted, and his property was pledged as security for it, but the wife could claim the repayment of the principal when she pleased. In one contract, by which the husband gives his wife one-third of all his property, present and to come, he values the movables which she brought with her and promises her the equivalent in silver: "If thou stayest, thou stayest with them; if thou goest away, thou goest away with them," [2] and even in going away she is not to be put on her oath, as to whether she did really bring what she is credited with, nor as to whether it was worth the specified equivalent.

The distinction between toilet money and pocket money made in Theban marriage contracts is not met with in those of Memphis, but the general idea of a pension, or annual allowance to the wife, is common to both. The amount of the pension varied, but not within very wide limits; in some cases it was fixed at 1,800 drachms, which is exactly equal to the money allowance given to soldiers. In ancient Egypt, where the produce of abundant harvests was not exported, but stored against a time of scarcity, the price of the common necessaries of life varied little, and con-

[1] *Records of the Past*, vol. x. p. 75.
[2] G. Paturet, *La Condition juridique de la femme dans l'ancienne Egypte*, p. 69. *Rev. Egyptologique*, i. p. 46.

sequently it was easy to fix a rate of alimony corresponding to the real cost of maintenance in different ranks. Under the Ptolemies, a rise of eighteen yards was required to make "a good Nile," and in one comparatively late contract the payment of an alimentary pension is made conditional on this height being reached.[1] Coptic contracts contain the same provision down to a late period, in spite of its having been expressly prohibited by the Emperor Gordian, A.D. 241.

M. Paturet[2] considers that the nuptial gift in Theban contracts was an alternative to the *sanch* or credit, as for a loan, of Memphite contracts. The Egyptian tendency to throw all obligations into the form of a loan has already been noted, and it was the more convenient to treat the wife's portion as possessing this character, in order that all the remaining property of the husband might be treated as security for its repayment. The pension or allowance promised to the wife is not secured by mortgage, though there is a fine for non-payment. But the general mortgage, by which the husband's whole property becomes security for the wife's dowry, touches literally all assets, debts due, as well as movables and immovables. It is significant that in the earlier deeds the husband is not mentioned as such, only by name, as the son of such a father and mother, like any stranger. The husband is bound for life by the contract pledging his property, but the wife remained free to claim repayment at any time in full, instead of the annual allowance.

If a husband wished to increase his wife's fortune after marriage, he might acknowledge himself her debtor for a given sum, undertaking to repay it at an interval which allowed the interest to have doubled its amount, making all or a definite portion of his other property security for the debt. In such a case, if he died before the expiry of the term, his heirs would have to pay the debt out of the estate, as they were compelled to do in one instance, where the loan referred to was probably fictitious, and its acknowledgment only a device for ceding the house pledged as security for it. The courts, however, pronounced in favour of the widow, who ceded the residue of the estate to the heirs-at-law when her own claim had been satisfied out of it.[3]

The Egyptian term *hoti*, which describes the wife's security, is also used for any property handed over to a creditor for a specified term, not merely as security, but for use, such use serving to extinguish the debt. Wives and widows often agree, in the case of particular obligations, not to claim precedence regarding it in virtue of their *hoti*.[4]

The effect of the mortgage given on the husband's property as security for the wife's settlement was very curious; it made her consent necessary to all her husband's acts, and even to further settlements for her own benefit. In some cases, however, this consent seems to have been required to

[1] E. Revillout, *La Location : leçon professée à l'École du Louvre*, 1883.
[2] *La condition juridique de la femme dans l'ancienne Égypte*, p. 56.
[3] *Les obligations en droit Égyptien*, pp. 176–9.
[4] *Ib.*, p. 203.

the original mortgage,[1] and then the only possible explanation is that the wife, as such, was co-proprietor with her husband, and therefore had to be a party to any act disposing of the joint estate. The Greeks might well exclaim that the wife was given authority over the husband, when it was usual for the wife to endorse her husband's deeds, while he did not endorse hers. But as we have seen, the married pair was usually on such terms that the formality gave rise to no inconvenience. The wife's freedom to co-operate with the husband for any purpose which they agreed in desiring was unrestrained, and the married couple consequently enjoyed more liberty, in dealing with the family property, than the husband himself under laws starting from the tutelage of women.

The terms in which Diodorus speaks of the rights of wives were probably suggested by marriage contracts of a rather different type from those already described. In these the husband literally endows his wife with "all his worldly goods," stipulating only that she is to maintain him while living, and to provide duly for his burial when dead.[2] In a family of pastophores, whose history is traced by M. Revillout,[3] it was the regular thing for the husband to make over his property to his wife, either all at once or by degrees, while she in due course made it over to his son, and he again to his own wife, with the like result. This was done equally in cases when the contract expressly bars the intervention of sons and daughters. A wife who was thus endowed, to the disadvantage of children by a former marriage (one of whom signs the contract), having no children of her own, made her husband's nephew her heir.[4] Thus we find for a number of generations the, apparently, unlimited ownership of the wife producing the same effect as the strictest entail from father to son.

There were three principal forms of family arrangement in use; but custom, backed by the double force of law and inclination, decided that all three should be so administered as to secure, to the same extent, the joint and several interests of all three elements in the family group. By one arrangement the wife becomes on marriage, or after the expiry of the first year of marriage, joint owner with her husband of all the family property, with remainder to their eldest child in trust for the rest. By another, the husband settled one-third of all his property on his wife, the remaining two-thirds being probably considered as the property of the father and the eldest child, while the latter again was regarded as trustee for the rest. By the third alternative all the property was made over to the wife, and during her life, she, rather than the eldest child, was regarded as trustee in the children's interest.

If it were safe to infer the existence of a whole class of cases from a single example, we might add a fourth alternative, corresponding to the second of those mentioned above, only with the rôle of husband and wife inverted. There is a very curious contract of the time of Darius I., in

[1] *Les obligations en droit Égyptien*, p. 82.
[2] *Études Egyptologiques*, livr. xiii. pp. 230, 294.
[3] *Chrestomathie Démotique*, p. clvi. [4] *Ib.*, p. li.

which the usual stipulations are reversed, the wife speaking of the *man* as being established as her husband, acknowledging the receipt of a sum of money as dowry, and undertaking that if *she* deserts or despises him, a third part of all her goods, present and to come, shall be forfeited to him.[1] This is one of the earliest deeds of the kind, and the odds are strong against the survival of a singular, eccentric document. The existence of the two forms of contract would be intelligible if we suppose the terms of them to be conditional on the relative position of the spouses; and this particular deed would be quite in accordance with Basque and Malayali analogies, if it represented the contract between an Egyptian heiress and a man without property. The penalty for unfaithfulness is imposed alike in the case of both parents, and for the same reason; namely, to ensure the children of the marriage against disinheritance through the misconduct of the richer parent.

The third alternative, by which the husband transfers all his property on marriage to his wife, is the most unaccountable and the most characteristic of all. Such a custom could hardly have grown up out of pure uxoriousness. In the most archaic communities, like the ancient Nabatæans and the modern Nairs, where property passes to the children through the mother only, the wife does not enter into any such partnership with regard to the inherited property of the husband, though it is customary for him to contribute, out of his earnings, to the establishment and maintenance of the household. The husband acquires during the marriage a certain interest in his wife's property, but that of his own family descends, irrespective of his wish or appointment, to his sister's children. With the development of family affection and habits of monogamy, this state of things is felt to be unnatural and vexatious, and accordingly the Nairs in the nineteenth century have resorted to the very same device as the ancient Egyptians, to secure the father's property to his children; that is to say, the father himself gives away absolutely all that he possesses to his children during his own life, if he wishes to make sure of their possessing it after his death.[2]

The typical Egyptian marriage settlement, in which the husband declares to the wife: "My eldest son, thy eldest son, shall be the heir of all my property present and to come," was apparently a product of the modern historic marriage of affection grafted (*circ.* 3000 B.C.) upon the ancient prehistoric custom of transmitting property through women only. The marriage contract bestowed upon the wife the proprietary rights which the sister was held to possess by nature, and local usage only varied in the comparative prominence given to the wife and to the eldest child in the family partnership.

[1] *Cours de droit*, i. p. 285. *Rev. Égypt.*, 1882, p. 270.
[2] *Malabar*, by W. Logan, i. p. 154, and *post*, Bk. III., ch. x.

## § 3. Proprietary Rights of Children.

The partnership of children in their parents' property during the life of he latter is proved by innumerable deeds and expressions. Sometimes he father is represented as contracting "for his sons," just as, after, or ven before the father's death, the eldest brother takes action on behalf of he rest, or, as the phrase is, "stands up for them." Sometimes the existnce of a similar state of things is evidenced incidentally: houses or lands re described as belonging to such an one "for his children." A son of Hermias, for instance, has one-sixth of a house and other property "for is son;" and his sister has one sixth for her daughter. We read of "the ouse of Pahor, son of Panofre, who owns it for Tachelon, his daughter,"[1] nd elsewhere some one holds property for "his son, whose wife is So-and-o."

It is possible that family property could originally only be disposed of reely with the consent of all three members of the family group, and that he father was therefore, in some way, dependent for his full legal competence upon the possession of a son and heir. In the Book of the Dead and ther solemn documents, it is spoken of as the function of the eldest son o bear witness, to make answer or to plead for his father, as Horus for Osiris against Set, before the tribunal of the gods. But this recognition of he son's or the children's partnership does not necessarily imply the bdication, by the father, of his present natural right to administer the family estate. If he chooses to constitute himself a trustee for his children, it is in order that the settlement intended by him for the future security of the family property may begin to take effect at once.

Similarly, though young children may take part in legal transactions nitiated by their parents, the consent of the latter is frequently given—and we must suppose, therefore, was required—to legal documents in which even children of full age take part. The partnership, or *communauté de biens*, between parents and children was thus a reality, neither generation being actually sacrificed to the other. The father might, and under the Ptolemies frequently did, assign his property to his children while still alive, and the custom was old enough for a scribe of the Ramessids to advise against it.[2] He does not hint at anything so tragic as the fate of Lear as likely to follow upon such conduct, but he thinks it wiser for the householder to economise privately and let his descendants profit by the treasure he is thus enabled to leave them, instead of giving up his power and property to others before the time.

The Basque customs,[3] to which reference has been made, show the working of this partnership between two generations, continued in unbroken

[1] *Nouvelle Chrestomathie Démotique*, pap. 113 *b*.
[2] *Maxims of Ani*, 18.
[3] Described in a valuable monograph by M. Eugène Cordier, *De l'organisation de la famille chez les Basques*, 1869. Cf. also *L'organisation de la famille*, F. de Play, 3rd ed., 1884, containing the history in detail of typical Basque families.

sequence from age to age, with singularly conservative results. "Los senhors et dames juens," as the Coutume of Navarre calls them, are the favourites of the law. The eldest child, son or daughter, is called the heir, or heiress, and becomes entitled on marriage to an equal partnership with the parents in the enjoyment and control of the family property. By an admirable invention, heirs and heiresses are not allowed to intermarry; the eldest daughter inheriting one farm must marry a younger son from another, who takes her name and comes to live on her inheritance. The eldest son and heir must similarly marry a younger daughter from some other house; the younger children of both sexes are entitled to a marriage portion or dowry, though many of them live in celibacy rather than burden the estate with too heavy charges on this account. It is in this sense that, as Strabo says of the Cantabri, "the daughters are left heirs and procure wives for their brothers."

The younger children with their families, if they marry, work as servants on the family property, and have a right to maintenance out of it; but as the work of the community must have some one head, while there may be two, or even three, co-seigneurs, the senior frequently abdicates as in Egypt, leaving the administration of the property to the heir in the prime of life. The eldest grandson or daughter also becomes entitled on marriage to half the patrimony, but it is evident that the son, who administers under the eyes of two generations, has the strongest reasons for adhering to the Kantian rule, and treating his father as it is fitting that all fathers should be treated, since in the near future he himself will become dependent on the filial forbearance of his son.

If anything, the Basque custom restricts the rights of fathers more than was the case in Egypt; and, since the modern custom can be shown to have worked smoothly, and on the whole beneficially, there is no difficulty in believing in the possibility of analogous usages in Egypt, where family affection was more articulate and perhaps stronger; since life was easier, and the chances therefore less of abuses not legally impossible. This system of family law has certainly resulted in keeping family properties together, and families themselves alive, for a longer term than has become general under any other régime. For one thing the prohibition of marriages between sole heirs and heiresses prevents the cultivation of childlessness, which results in the dying out of old and rich families; and, as compared with ordinary primogeniture, the acceptance of daughters as qualified to keep up the family, doubles its chances of duration. A family in Andorre, which is said to have kept its name and its property without increase or diminution for between 700 and 800 years, twice depended for its maintenance on the life of a sole heiress. Records of this length are by no means exceptional, and families 400 years old are still quite common, though unfortunately the national custom is in some danger of becoming extinct, through inconsiderate applications of the Code Napoléon.

We do not know of anything in Egypt, answering to the rule against marriages between eldest children or the heirs and heiresses of different

families, which indeed would have little meaning except in small communities of peasant proprietors. It is, however, possible that claims to inherit from the father of a mother were conditional on the mother's being an eldest child or heiress; we have seen that children did not inherit from two families at once, and if the mother's inheritance was better worth claiming by the eldest son than the father's, the relation between the parents must have been rather like that between the Basque *primée* or heiress and the *nore* or dowered husband, who was a cadet of another family. There are varieties of usage in the different Basque provinces, though the one we have described is the most general and typical form; and it is of course possible that, in different parts of Egypt, the national usage may have been subject to variation.

It is not clear, for instance, whether the eldest daughter always inherited, or inherited from her mother only, or inherited from both parents only if there were no sons; and it certainly seems probable that the hereditary claims of women belonging to royal or noble families, were recognised as of peculiar strength. A curious fragment of the Eighteenth Dynasty favours the third of these alternatives, as it records the petition of a private individual to be put in possession of the tomb of his "father," one Qa'an, in virtue, the petitioner urges, "of my mother, his daughter by birth, and he left no male offspring." In a sepulchral inscription of the Twelfth Dynasty, "his wife beloved and his eldest granddaughter," by name, are mentioned before his son, by the person commemorated: and these inscriptions, together with those previously quoted in illustration of the importance of descent in the female line, seem to point to regular, but not exclusive, inheritance of property by women, to an extent that would be exactly explained if we suppose some form of the Basque rule, of primogeniture without distinction of sex, to have prevailed in Egypt.

The prevalence of such a rule is not a mere hypothesis. In the reign of Darius Codomanus there were two brothers who left families, the members of which desired to effect certain exchanges of property, and in the necessary deeds, the family of the younger son is represented by his eldest daughter, who acts for her younger brothers and sisters as the eldest brother does for the younger children of the other branch.[1] And in a variety of other private deeds we find a daughter acting, apparently as sole heiress, and really as *kurios*—as head of the family, entitled to represent and speak in the name of the rest. It is noticeable that the two deeds, which suggest the closest parallel to Basque usage, belong to the Persian period, when native custom was less confused and corrupted than under the later Ptolemies.

If the father did not divide the property during his own life, the eldest son took his place and made the division on his death; but he was bound to respect the customary rights of his juniors, and if they were dissatisfied, he could be put upon oath, which was considered to be equivalent to compelling him to confess the truth, as to the verbal instructions given by his

[1] *Cours de droit*, p. 193. *Condition juridique de la femme*, p. 29.

father. If the elder son chose to take one of the gods to witness, that his father or mother had given him some part of the property, absolutely for his separate use, his oath was accepted as conclusive. Even during the father's life, the eldest son might act on behalf of his brothers and sisters in what regards the family property; though neither then nor afterwards had he any personal control over them. Persons treating with an elder brother for the sale of land say "thy land," even when it is qualified immediately afterwards, as in the following: "Such are the neighbours of thy plot of ten arurae, which is between thee and thy brothers, Nechthmonth, son of Hor, Petosor, son of Hor, Tave, daughter of Hor, whose mother is Chachperi, thy brothers, to complete the four, a quarter to each of you." All the children have an equal share, and if one of the brothers or sisters dies, leaving issue before the partition, his or her part is given to the eldest child of the second generation as representing the rest. The eldest son, who acquires the above ten arurae, proposes that the cost of his father's funeral shall also be divided into four parts and shared equally by the sister and the three brothers; and that the silver, brass, and other movables shall be divided in like manner. The juniors in their turn urge, in another document, that they should draw lots for the four portions when divided, and that Osoroer, the eldest, is not to take the lion's share of the liturgies.[1]

Egyptian law, like Chinese, considered all sons as legitimate,[2] and all were entitled to share in the father's property; but the mother's name is almost always mentioned as well as the father's, and, of course, the benefits secured to the children, by their mother's marriage contract, were confined to the offspring of that union. The father might bind his children as co-guarantors for a debt for which the family property was rendered liable;[3] but the power of the *kurios*, or *neb*, to use the Egyptian word, did not enable him to sacrifice the interests of those whom he represented. What the Irish laws call a "bad contract," *i.e.* one injurious to either party, might be repudiated when those who had signed as minors were of age to judge for themselves. But when a father voluntarily shared his property among his children, they and their descendants might be bound, under a penalty, not to question the division, after a lapse of time during which they availed themselves of it.[4] The conspicuous share of the *neb* in all legal proceedings, notwithstanding the strict limitation of his personal interest in the transactions he conducts, may have been originally due to the convenience of considering one person as the mouthpiece of many, when all legal business was transacted verbally and, moreover, in a form which allowed one person only to speak.[5]

Most of the points which are familiar in later systems of family law had arisen and been decided in Egypt, probably with less friction than anywhere else, as the real difficulties arising out of joint ownership can best

[1] *Cours de droit*, i. 189, 90.
[2] *Ib.*, 169.
[3] *Ib.*, 180.
[4] *Ib.*, 185.
[5] *Les obligations en droit Égyptien comparé aux autres droits de l'Antiquité*, p. 19.

be solved where such ownership is deeply rooted in positive custom, so that the persons concerned adopt, almost by instinct, the course which is really most in harmony with the broad general principles in force. Thus the eldest son is generally spoken of as heir to the goods of his father, present and to come; but the difficulty of bringing *acquêts* into settlement, of securing the parents' gains or earnings to the children, without restricting their reasonable liberty to employ their gains reproductively, has taxed the ingenuity of Continental lawyers, without any means being found to enforce, by law, the moderation in freedom secured by custom in Egypt.

As an illustration of the ease with which apparently complicated arrangements were carried out, the case may be quoted of two brothers, joint owners of a field, which is let to the creditor of one (the junior), as security or equivalent for a debt. The elder brother, who speaks of "my field," concurs in the act; but the joint ownership necessitates *two* deeds, the younger brother pledging his interest, and the elder letting his own interest, which is not pledged. The elder undertakes to pay the third of the produce which is due to the scribes of the sanctuary of Amon, and further takes as rent of his share one-sixth of the remaining produce; the joint owners undertake to pay three-fourths of any further dues that may be levied, as occasional taxes or royal dues, leaving the creditor to pay the other fourth; but this item clearly does not cover anything so considerable as land tax, so that the brothers were probably occupiers of temple land, *i.e.* lands formerly granted by the king, in the restricted sense which conveyed, not the absolute right of private property, but the king's right to levy land tax. The elder brother undertakes to bear any charges not foreseen or arising from error, and his action throughout is that of an indulgent father, using his own property and credit to facilitate the business arrangements of a son.[1]

The division of property among the children of a family is, of course, answerable for the curious traffic in fractional shares of different kinds of property. It is common, for instance, for one-third or one-sixth of a house or field to be sold to the person owning the other fractions. In one case the party to a contract speaks of "the half of my sixth of three fields," and another deed records the sale of one-seventh of five-sixths *plus* one-forty-secondth of the property in question.[2] Evidently it was not from any inaptitude for the subtleties of trade that the Egyptians failed to compete with Babylonia and Phœnicia in the exchanges of the Old World.

Where there were two families of children, the apportionment of their respective rights was always a somewhat complicated affair, even when conducted amicably. In one case, a brother and sister, of the same mother but different fathers, agree to divide their mother's interest in both properties, the brother ceding to the sister the whole of what came from *her* father, no doubt in view of his own inheritance of what his mother had

[1] *Les obligations en droit Égyptien*, p. 122.
[2] *Nouvelle Chrestomathie Démotique*, p. 127.

from her second husband, *his* father. In another case an eldest son has to divide between himself, his brother, and his sister, the inheritance of their common father, the paternal grandfather and the maternal grandmother. The eldest son took an extra one-twelfth for himself, as was not unusual, nor unreasonable, as the executorship must always have been a somewhat burdensome task, and the mother divided her own property in the same proportion by deed.[1]

Sometimes the existence of a second family gave rise to litigation: the daughter of one Seesis, deceased, complains of the woman "who has become her father's wife," and with her children has usurped all his property. The daughter claimed to have the property divided, and her rights were admitted. She and her brother were to share such goods of the father as had not been formally alienated by him. They made oath that nothing had been so alienated, except one house, sold to So-and-So; incidentally it appears that the purchaser had not got regular deeds, so that the children's oath was necessary to secure his lawful possession, as well as to oust the stepmother, who apparently had not been established and endowed at all.[2]

The proprietary rights of wives and children were, no doubt, one of the strongest influences at work, in making monogamy the rule in Egypt. Though there was no civil or religious law against polygamy, and even the children of slaves were accounted legitimate, the wife and children of a first marriage were an almost insuperable obstacle in the way of a second. By a common clause in marriage contracts, the husband was bound, in the case of his "despising" his wife, or taking another than her, to pay her a sum of money and let her return to her friends.[3] These clauses served in lieu of a divorce law, which does not seem to have been known in ancient Egypt; but even supposing the consorts to part by mutual consent, the rights of their children would remain unimpared. If the husband rendered himself liable for the stipulated damages to his wife, and had also already endowed her eldest son with all his property, present and to come, he would obviously be unable to make any provision for the second wife or her children, except with the consent of the eldest son of the first wife. Under these circumstances naturally plural marriages were rare, though Egyptian children probably did not object to a second marriage after their mother's death, and in case of more or less pronounced witchcraft, the father might be tempted to sacrifice the interests of the first family, as improperly as in the tale of Setna.

This demotic romance may indeed serve, as well as marriage contracts of the same period, to illustrate the working of the Egyptian marriage law. The hero of the story, like William of Deloraine, had rashly meddled with

[1] *Revue Égyptologique*, i. 125, 127. [2] *Ib.*, iv. 140.

[3] Both the law of Islam and the Talmud contemplate the insertion of a corresponding clause in marriage contracts, and in modern Turkey such a provision is taken for granted, even if not expressly mentioned. (*The Women of Turkey*, p. 442, Miss Garnett.) In both cases the custom is probably of pre-Semitic origin, as is the pledging of the husband's property as security for the wife's dues.

a mighty book of magic; he stole it, read it, taught its charms to his wife, copied it, and finally dissolved the roll itself in water and drank the same, so that "he knew all that it contained." The god Thoth thereupon complained to Ra that all his wisdom had been stolen, and, apparently by way of judgment for the theft, a succession of calamities began to befall the possessor of the stolen wisdom. He falls into the toils of an enchantress, who appears as the daughter of the priest of Bast; he is received by her in a magnificent house, with ornaments of malachite and lapis lazuli, couches draped with byssus, sideboards ranged with cups of gold filled with wine, and whatever else may be imagined to captivate the senses. She then exacts from her lover a contract ceding to her all his property of every sort, to which the bewitched Setna agrees; she then demands that his children shall sign their names at the foot of the contract, in order that they may not make any quarrel with her children about the property.[1] This condition also is accepted, and as in dreams and fairy tales, the children forthwith appear when wished for, and sign the contract. But the enchantress is not yet satisfied, and she demands that the children shall be put to death, in order that they may not complain of being disinherited.

We need not follow the story further, but it shows clearly, that while marriage contracts often involved a cession of property, by the husband to the wife, children already born had a legal right to inherit their parents' property; and that a renunciation of this right, extorted from their ignorance or weakness, would be condemned by public opinion and perhaps invalidated by law. The consent of the children to their father's marriage, which we find demanded in this tale, and formally accorded in many deeds, was also required under certain circumstances among the Basques. Thus by the *Coutumier* of Béarn, a widowed *gendre*, that is to say, a younger son, who had married an heiress, was allowed to bring a new wife to the house of the first, with, but not without, the consent of her children. And though such an extension of the filial *potestas* may seem eccentric now, it was necessary, if the children of the first marriage were to retain the rights solemnly secured to them by their mother's marriage contract.

It is noteworthy, that in Egypt, where so much importance was attached to the domestic affections, all domestic relations should have been so closely interwoven with proprietary considerations. Family affection throve notwithstanding, and it is even possible that it throve the better for the all-embracing and deeply rooted customary code, which secured, to all members of the family group, a substantially equal share in the necessaries and amenities of life accessible to it. The antagonism between love and money, which is now a commonplace in domestic romance, was probably unknown in Egypt, where it was the universal rule for property to change hands, on occasion of the agreement of a man and woman to play the part of husband and wife, as well as in China, where property is transmitted almost entirely apart from marriage. There was no marriage without

[1] *Roman de Setna*, tr. E. Revillout. Cf. *Cours de droit Egyptien*, i. 177.

money, or money's worth; but to marry *for* money, in the modern sense, was impossible when individual ownership was abolished by the act itself of marriage.

The filial relation could be established by contract on due consideration given. There is a deed of adoption, dating from the reign of Amasis, in which a young man, who gives the names of his real father and mother, declares himself to have received from a certain choachyte of Haredj the money of sonship, or the price for doing the part of a son towards him. "I am thy son," he says, "and the children whom I shall beget, all that I possess, and all that I shall acquire (are thine). . . . Any one who comes to thee, to take me away from thee, saying, He is not thy son, whosoever it be, father, mother, brother, sister, lord, lady, even the high court of justice or I myself, such an one shall give thee silver and corn, whatsoever thy heart shall please. And I shall still be thy son and my children for evermore." [1] This deed is interesting, not only as an example of adoption, but also as showing that the normal partnership between father and son was entirely reciprocal, the father having the same claim on the son's property as the son on his.

We do not meet with any direct confirmation of Herodotus' curious statement,[2] that it was the duty of daughters to maintain their aged parents, while sons only contributed to their support if they pleased. But to a certain extent his observation may have been well founded, for whenever a son was provided for in the calling of his wife's father, his claim upon his own parents might be supposed to end, as by a kind of *foris familiation*; while the father's means of living might be bequeathed, by a similar arrangement, to his daughter's husband. In any case, the daughters were provided for by their parents, and if we attach any importance to Herodotus' authority on this matter, we must regard him as bearing witness to the fact of the proprietary independence of women. The obligation to support their parents clearly implies the possession of means to do so; and indeed, if the daughters whom Herodotus may have found discharging this obligation had not done so out of their own private resources, he would have chronicled a still more amusing peculiarity; that in Egypt men were compelled to support their wives' parents, instead of, as elsewhere, their own.

It is, however, very likely that it was the custom in Egypt for daughters to support their widowed mothers, or rather for such mothers to live with their daughters rather than their sons. The fact that a married son had *ipso facto* shared his possessions with his own wife and son, necessarily limited his power of providing for the former generation as well. By Egyptian custom, mothers and daughters were normally as well provided for as sons and fathers, and the result was to leave parents and children free to follow their own inclinations. But, by inclination, the tie between mother and daughter was peculiarly close and strong. In a demotic address or exhortation from a mother to a son, the general sense of which is disputed, there is one quite intelligible clause: "My death is at hand,

[1] *P.S.B.A.*, May 1887, p. 168. [2] II. 35.

let me *rejoin my mother*." [1] And throughout the texts, though the relations between fathers and daughters and between mothers and sons are by no means ignored, that between fathers and sons and mothers and daughters is certainly more frequently mentioned, as if it possessed the greatest sanctity and importance.

The system of family law which prevailed without abuse or inconvenience for unknown ages, in the Egypt of the Egyptians, was found prolific of both as soon as it was adopted by foreigners, without the same instinct for conservative moderation. In ancient Egypt the gift by the husband to the wife of all his worldly wealth represented only a legal consecration of the best form of domestic custom, according to which the wealth of each family forms a common fund, administered for the joint equal advantage of all its members, the spending department being practically abandoned to the housewife. But the self-same usage which in a healthy state of society, with a sound customary morality, serves to produce this result, may in the hands of profligates of both sexes have an entirely opposite effect, as the above quoted tale of Setna shows. The Greeks were easily captivated by the charms of the Egyptian women, but could probably only obtain access to those of laxer patriotism and morality, and even these were only to be won by marriage contracts of the native type; and such a bargain, viewed from the European adventurer's side, was that of a spendthrift, ruining himself by an intrigue with "a native woman." An Egyptian *cause célèbre*, which takes its name from the Twins of the Serapeum, shows us the abuse of native law thus going on. The twins had a step-mother, Nephoris by name, who deserted their father and went to live with a soldier at Memphis. The father subsequently died, apparently as a fugitive from the persecutions of his wife's paramour; his son brought the body to Memphis for interment, but Nephoris refused to perform the funeral rites. The goods of the deceased were deposited in the public treasury, but the widow on paying the Government charge was allowed to recover the whole. Apparently the principal part of the property was a house, half of which belonged to the widow and half to the children; but Nephoris sold her half of the house and embezzled the rents of the remainder, so that her twin step-daughters were left destitute. They then, apparently, received an allowance from the Temple, but were persuaded to take their half-brother "to serve them,"—? to receive and bring their rations,—upon which he received the oil and flax assigned to them, and went off with it to his mother! [2]

The fictitious acknowledgment of debt given to dowerless wives, again, in an orderly, fairly moral community, only represented a customary provision for what may be called the secondary families of well-to-do citizens; but in many cases the foreigner in Egypt would have no properly "established" wife at all, and the proprietary independence of the class,

[1] *Cours de droit Egyptien*, i. p. 33. The expression also occurs in a hymn to Ra, Horus of the two horizons, probably with a reference to the sun sinking into the watery abyss from which it is born. (Chabas, *Choix de textes Egyptiens*, p. 23.)

[2] *Chrestomathie*, p. clxi.

typified by the priestess of Bast in the novel, was no doubt productive of much social scandal. It was therefore nominally in the interests of morality that Ptolemy Philopator, himself the tool of favourites and mistresses of the lowest class, introduced by edict the quasi tutelage of women familiar to the Greeks, and made the authority of the husband necessary in all alienations of property by the wife;[1] thus abolishing at one stroke the whole system of domestic law and custom familiar to the nation. The immediate gain to foreign residents was questionable, for it is stated that women of indifferent character, who still obtained gifts from their husbands, were suspected of making away with the latter, in order that the donations might not be neutralized by the marital control newly established over the wife's property, and therefore over what was given to her.

Native Egyptians of the better class continued for a time to keep up the old custom under difficulties, and we find deeds in which husband and wife say, "with one mouth," what anciently the wife would have said alone; the husband distributes the wife's property among the children, and she records her consent and approval, adding, however, that the "writings" which have previously passed between them are still to be adhered to, these being evidently prior to the new law.

From this time donations between husband and wife practically disappear at Thebes. The old customary system of family partnership is broken up, and instead of the husband ceding all his property to his wife, to be owned by her, and administered by himself, as trustee for their children, the wife's property passed offhand to the husband, to be dealt with as he pleased. There can be little doubt that the serious revolt, which for the first time threatened the dynasty of the Lagidæ in the reign of Philopator, was provoked partly at least by this interference with the national custom; and the same cause explains the fact mentioned without explanation by Polybius,[2] that women took an active part in the riots and massacres stirred up against the foreigners.

A series of wills, belonging apparently to the reigns of the second and third Ptolemies, were included in the discovery of papyrus remains at Gurob, by Mr. Flinders Petrie; and as the testators are foreigners, Greeks, Macedonians, Lycians, Libyans, Syracusans, etc., writing in Greek, Professor Mahaffy, who has edited them,[3] is inclined to treat them as evidence that the full and free right of bequeathing was generally possessed and exercised throughout the Greek world, in a way hitherto denied by jurists, who have regarded free testation as an essentially Roman invention. It is however a question, whether considering the dates of the wills, and the state of Egyptian law, before the innovations of Ptolemy IV., we should not rather regard them as an evidence of the extent to which the Greek mercenaries or pensionaries had adopted Egyptian manners and customs,[4]

[1] *Cours de droit*, p. 203. [2] xv. 26 *sq.*

[3] *Cunninghame Memoirs*, Royal Irish Academy, 1891.

[4] M. Maspero noted (*Du Genre Epistolaire*, vi.) the purely Egyptian tone and sentiment of the Greek letters in his collection.

first, in the matter of making wills, and, secondly, in the character of the testamentary dispositions adopted.

Thus Peisias the Lycian bequeaths certain property in Alexandria and Bubastis, and certain slaves to his son. "To his wife he leaves his horse, his house in Bubastis, and apparently a female slave; but the furniture jointly to her and his son Pisicrates. Then follow clauses about the rights and the condition of Axiothea, a liberated slave, who had formed part of the dowry of the testator's wife. She is to possess certain things and in good order, for Pisicrates is to make good any household articles that are broken."[1] The list of articles of apparel or furniture is defective, and it is not clear whether they are all to belong to Axiothea or to the widow; but the enumeration of things to be given, up to a specified value, to a woman after the husband's death, is a common feature in purely Egyptian documents, when it is desired to distinguish the wife's dowry from the son's inheritance.

Another purely Egyptian feature is the enumeration of witnesses, with a detailed description of their personal appearance; and the habitual use of six witnesses, the number required in ordinary contracts, as distinguished from deeds of sale affecting real property, for which sixteen were needed. As in Egypt also, there is no mention of a *kurios* in the bequests to wives and daughters. The recognition in the same document of children by a lawful (*i.e.* an established) wife, and of children by another woman, is also in accordance with Egyptian analogies. Professor Mahaffy takes the general sense in one will to be "the property *now in the hands of my wife and children*, let them retain. . . . But as regards my son Ammonius (and his mother Melainis), I set them free, provided they stay with me as long as I live." A clause similar to the last, in a third will, provides for the manumission of a slave Semele, and the testator's children by her, subject to the same condition. But except in Egypt, it is unusual for a man's property to be "in the hands of his wife and children," when he himself is alive; while in Egypt this is the commonest occurrence. And one is tempted to see an effect of the lightness of Egyptian bondage, in the way in which the lord of the slave looks forward, as to something doubtful, not altogether within his control, to her remaining with him till his death. The number of cases in which the wife is appointed heiress is also much greater in proportion than would naturally be the case according to any Greek customs of inheritance.

The property dealt with, besides horses and armour, houses and farms, includes income from the Treasury or the Crown, which may be taken as an argument for the hereditary character of the military profession; but a military pension, which might be bequeathed to a wife, must have come to be held without much regard to military service. Other bequests deal with debts due, securities or deeds, and property in furnaces of the Arsinoite nome.

It is an interesting question both for the psychologist and the historian

[1] *Cunninghame Memoirs, l.c. Transcriptions*, etc., p. 38.

how far the other leading characteristics of the domestic states are owing to, or influenced by, the full recognition accorded in the most ancient of them to the proprietary rights of women, and to the primitive marriage law which established, so far as was physically possible, the equality of fathers and mothers in the household. Is this trait to be regarded as cause or as effect of the other prominent characteristic of these primitive civilizations; namely, a degree of temperance or moderation in the accumulation of property, which is unknown in political states? Is acquisitiveness relatively weak in domestic states, because of the consideration shown in them for women, or is more consideration shown for the proprietary rights of women, because the instinct of acquisitiveness in men is relatively weak?

The significant gesture of Roman law practice aptly symbolizes the "grasping" temperament or propensity, which seizes wealth as it seizes power, and conceives possession incomplete unless it includes that contradiction in terms, the *jus abutendi*, the right to abuse as well as to enjoy and utilize. M. Revillout's researches are mainly concerned with the period of Egyptian decadence; nevertheless, the contrast between the two schools of ethical jurisprudence are even then so obvious that we cannot do better than characterize it in his words: : "Le caractère spécial du droit Égyptien c'était justement le désinteressement, quand il s'agissait du juste et du vrai, comme le caractère spécial du droit Romain, c'était l'égoisme, même contrairement aux principes les plus élementaires de la vraie justice."[1]

In the domestic states, personal ownership exists subject to the natural rights of the family, and privileged families show the same respect for the needs of feebler neighbours, that the moneyed parent does for the needs of spouse or children. So far as there is a difference between fathers and mothers of the same race and education, it is possible that the average mother is less disposed towards grasping for herself; and if this be so, the greater the customary rights of women, the less countenance will be given within the family to the instincts of personal acquisitiveness; and, at the same time, the less admiration there is in the community for mere superiority of skill or enterprise in grasping, the less disposition will there be to count the absence of that quality as a mark of sexual inferiority.

On the other hand, the men and women of every race share more or less in the characteristics of that race as contrasted with others. Spartan and Roman women are masterful and grasping, and the men of China and Egypt are pacific and deferential. The domestic races are not more subject than others to the government of women, but the nations as a whole approach more, in some respects, to the type of character which, in modern times, is considered feminine, than to the masculine ideal contrasted with it. In some respects, but not in all, industry, trade, and organized association for the purposes of both, which are characteristic of the Hamitic peoples, are not specially feminine traits. Opinions differ as to

[1] *Les obligations en droit Égyptien*, p. 22.

whether the nearest counterpart to England in the Old World is to be found in Rome or Carthage, yet England is not counted among the womanly nations. Egypt, Babylonia, and China love agriculture, industry, and commerce more than war; and nations that love war first or best, even when they take to trade, introduce into it a spirit of rivalry and aggression, which we miss in the older commonwealths; so that perhaps it is only by a more pacific temper that these come nearer to the conventional feminine ideal, than the average races of political type.

The power of using and enjoying property is naturally equal in both sexes, and the instincts of acquisitiveness, the disposition to acquire property by industrious exploitation of the resources of nature, are not naturally weaker in pacific races than in others. On the contrary, the Chinese alone of primitive races can hold their own against Europeans in the markets of the world, while Greece and Rome never surpassed or even equalled the industrial achievements of the Hamitic race. The great conservative races do not look upon human life as consisting in a struggle between human beings to secure the means of existence. Such a struggle results perhaps in progress, but certainly in change, while stability is the note of the domestic primitive civilizations. To secure stability it is necessary for the rivalries of commerce to be restricted, by custom, within limits, which will leave even the least successful competitor still able to exist.

The ideal of the governing class is that every one shall be as well off as his father before him, not that some should be indefinitely wealthier; and the law is more or less consciously and intelligently applied, to prevent a change in the distribution of wealth, which would make some richer at the expense of others who were made poorer. In such States, where it is regarded as the normal function of a woman to be the "lady of the house" and mistress of her husband's love and her children's reverence, it is conceivable that the influence of women, as a vehicle for the conveyance of property, should have been more used and relied on than in communities where the habit of seizing, having and holding is idealized, and the power of doing so cultivated more or less as an end in itself. The primitive mother does not aspire to rule other households than her own, nor to erect one of her children as a ruler over the rest; and so far her influence in the State is in favour of a levelling, democratic body of custom. And since even the most peaceable of men do not choose to submit their household to be ruled by one of their fellows, unless they are bribed or compelled to it, a race of peaceable householders will, first or last, come to the same judgment as a community of housewives, in favour of the same equal, modest rights for all.

This temperament accounts for the popular conservatism of the masses, taught by inveterate custom to leave each other's status unaltered for the worse. It does not explain the installation of hereditary princes in governorships of which the monarchy itself was only an enlarged copy. The existence of kings and princes is as old as that of written records in

Egypt, and so for the moment we must treat it as an ultimate fact; but in States of the domestic type political organization never advanced, in perfection or in complexity, beyond this point.

The immunity of China and Egypt from the worst forms of economic oppression is due to the fact that the State never fell into the hands of a *wealthy* class, that had tacitly entered on the inheritance of a politically *powerful* class. In Egypt wealth and power were possessed by individuals who were held individually responsible for their use, and were subject to the censorship of a class which was highly organized, highly esteemed, and *not* richly endowed with individual wealth. The economic subjection of the masses has always been most complete and deplorable when a *moneyed* oligarchy has controlled their labour, from the vantage ground of political power conquered by a *fighting* aristocracy. In China and Egypt there was no aristocracy, only feudal princes, who acted as governors when the monarchy was strong, and as pretenders when it was weak. In China there was no church, that is to say, no powerful, rich, and independent hierarchy; and until the beginning of the decline and fall of Egypt, as we have seen, the rôle of the famed Egyptian priesthood was ministerial and literary rather than despotic. There was thus in the typical domestic kingdoms no aristocracy of arms, of birth, or of wealth. Society was stationary, and perhaps less highly organized than in lands more subject to revolution; but, on the other hand, it suffered less than these, from the over-stimulation or over-nutrition of a single organ, at the expense of the whole body politic.

*BOOK II.*

# ANCIENT BABYLONIA.

Mankind is made to wander, and there is none that knoweth.
Mankind, as many as pronounce a name, what do they know?
Whether he shall have good or ill, there is none that knoweth.

* * * * *

Ask, ask!
Ask on the couch!
Ask on the seat!
Ask at the giving of the goblet!
Ask at the kindling of the fire!
Ask at the fire!
Ask when it is aglow!
Ask from the tablet and the stylus of the tablet!
Ask of the bond and the fetter!
Ask at the side of the tame beast!
Ask at the side of the wild beast!
Ask at the side of the foundation!
Ask at the edge of the marsh!
Ask at the bank of the river!
Ask by the side of the ship, at the helm, and at the prow!
Ask at the rising of the sun and the setting of the sun!
Ask among the gods of heaven, the sanctuaries of earth!
Ask among the sanctuaries of the lord and the lady!
Ask when thou comest out of the city and when thou goest into the city!
Ask when thou comest out of the city-gate and when thou enterest the city-gate!
Ask when thou comest out of the city and when thou enterest into the house!
Ask in the street!
Ask in the temple!
Ask on the road!
May the Sun-god, the judge, deliver!
Deliver, O Sun-god, lord of all that is above and below,
Director of the gods, king of the world, father of mankind!
By thy command let justice be accomplished!

—*Akkadian Hymn.*

# CHAPTER I.

## *SUMERIAN CIVILIZATION.*

In Central Mesopotamia, where the Tigris and Euphrates approach most nearly before forming the loop closed by their junction at the southern end, it is still possible to draw a line between the rivers, along which one may count the remains of eight or ten towns, separated from each other by at most two or three miles of cultivated country. Townships set as thick as those of modern Lancashire once occupied the deserted plains, and, strange to say, the speech of the founders of Mesopotamian civilization was akin to that of the Turks, under whose rule civilization and wealth are banished from their earliest seat.

At the present time, the plain of the two rivers may be described roughly as consisting for one fourth of its area of marsh, for one-fourth of desert; a quarter is covered by spring floods, and affords summer pasturage to the Bedouins, and the remaining quarter or less, undergoes some kind of cultivation.[1]

At no time could it have been possible to cultivate this region continuously without a system of canals, for storage as well as irrigation, on a scale even more considerable than anything required by the first inhabitants of Egypt. Without irrigation, Western Assyria is a desert for ten months out of the twelve,[2] and, without drainage, the most part of the fertile alluvium lower down remains permanently swampy. The natural irrigation provided by the floods is less certain and equable than in Egypt, the Tigris especially being so rapid and violent in its rise, that the surface of the fields is swept away, and, instead of the gradual elevation of the soil from yearly deposits, which is observed in the Nile Valley, the river mouths are choked, and the coast line extended further and further into the Persian Gulf. It has been calculated that 5,000 or 6,000 years ago, when the monumental history of Babylonia begins, the waters of the Persian Gulf must have reached north of Bassorah, almost to the junction of the two rivers, so that the ancient city of Eridu was on or near the sea.[3]

[1] Map of ancient Babylonia from surveys taken by order of the Indian Government.

[2] Rawlinson, *Five Great Monarchies*, i. 186.

[3] If the silting up of the river mouths had always gone on at its present rate, Eridu would have been on the coast at latest about 3000 B.C. Prof. A. H. Sayce, *Hibbert Lectures*, 1887, p. 135.

Like the Chinese streams which flow through a plain lying in places lower than the river's bed, the Euphrates was liable to change its course while some of the chief canals fed from it were scarcely distinguishable from natural rivers. The whole country around and between the two rivers was in the most flourishing condition, and the cultivated area most considerable, when the canals, fed respectively from the east and western streams, crossed and met each other, so that the natural and artificial channels together secured an equal level for the waters throughout the whole country.[1] Then every morsel of the surface shared in the fabulous fertility for which the land was famous, and its extraordinary wealth was the result of uninterrupted cultivation under these conditions. But the whole system was artificial, and required an efficient domestic administration, presupposing political tranquillity. Hence the ease with which districts fell out of cultivation after foreign conquest, and the need for works of restoration, referred to by the great kings, who speak constantly of finding canals blocked up, and lands fallen out of cultivation, as well as temples and palaces ruined and in decay.

The first Sumerian inhabitants of Southern Babylonia cannot have been able at once to effect the needful works upon a sufficient scale, but it is possible that agricultural industry began, really for the first time, upon the skirts of the inundation. It is not certain that they were acquainted with the arts of agriculture and irrigation before their settlement in Kingi, or "The Land," as they called the plain where the great cities of Erech, Eridu, Sirgulla, and Ur were to arise. In the earliest language of the people, the same word serves indifferently for country, mountain, and the east,[2] so that, even apart from other evidence, it might be assumed that the earliest settlers in Southern Mesopotamia came originally from the mountains east of the two rivers.

In the highland valleys of Turkestan a considerable degree of civilization might be reached by pastoral tribes only cultivating the indigenous fruit trees; but it has been pointed out[3] that all primitive States, which depend on grain for the staple food crop, have grown up in river valleys subject to inundation, where the yearly floods leave a naturally prepared seed-bed, pulverized, watered, and manured without preliminary effort. Any wild grain, scattered on such a soil, would at once invite cultivation by the result. The spade and hoe are descended from the stick with which the ground is weeded around a patch of edible roots. The plough and harrow are inventions dictated by the experience of plains where the soil is fertile, because it has been brought by nature to a uniform, loose surface, such as these tools may reproduce.

Wheat and other cereals flourished in Mesopotamia to an extent that has never been equalled elsewhere, and it has been supposed that wheat, which is nowhere to be found now in an undoubtedly wild state, may

[1] Oppert, *Expédition scientifique en Mésopotamie*, vol. i. p. 154.
[2] *Geschichte Babyloniens und Assyriens*, Prof. Dr. Fritz Hommel, p. 245.
[3] *History of the New World called America*. By E. J. Payne, p. 336.

have been indigenous here. No more probable habitat has been suggested, and the first possession of such a valuable food stuff would of itself give a great impetus to agriculture and civilization. It is noticeable that the chief varieties of the human species have started from the regions which are also richest in cultivable food and fodder plants; and without maintaining ethnological progress to be a mere matter of diet, it may be admitted that the connection is not entirely accidental. Anatolia, the provinces south of the Caucasus, Persia, Beloochistan, and Cashmere are mentioned as localities where luzern grows wild; and, in general, Western temperate Asia, the same sort of area may be regarded as the home of clovers, beans, flax, the mulberry tree, the vine, the cherry, the apricot, and the almond, besides the common fruits and grains first used as staples of cultivation.[1]

The language of the first agriculturists was akin to that of the nomads, who have occupied Central Asia from the beginnings of history until now, to that of ancient Media and Armenia, and to that of modern Georgia. It only included derivative expressions for some of the characteristic plants and animals of the plain. The lion is called "big dog." Oxen, sheep, goats, and probably asses, were domesticated before the settlers descended to the plain; and different characters were used for the domestic and the wild ox, the latter being distinguished by the addition of "mountain" instead of "yoke." The immigrants came from a land where the vine and date palm were unknown;[2] the vine and its fruit have only a Semitic designation, and the palm is the "sacred tree" of Eridu.[3] The latter produced without cultivation a supply of food—to say nothing of wine, sugar, timber, and cordage—rivalling in abundance the return made by wheat when cultivated. Hence it was possible for a small area, naturally drained and irrigated, to produce food for a population large enough to undertake the considerable works which must always have been necessary to render any considerable portion of the valley of the two rivers permanently habitable and productive. The labour required for the purpose is such that, on this ground alone, the antiquity until recently assigned to the Mesopotamian States might have been judged insufficient.

At the time of the settlement, the development of the written character was still at an early stage, as some of the most important primary signs are derived from irrigation works; the sign for a boundary represents two canal banks with water between, while the cane-like reeds, which abound along the rivers, furnish perhaps the very earliest root still represented in human speech.[4] Gold, the malleable, silver, the white or shining metal,

[1] *Origin of Cultivated Plants.* A. de Candolle, 1884, pp. 102, 123, etc.

[2] Hommel, *Geschichte Babyloniens und Assyriens*, p. 244. *Semitischen Völker und Sprachen*, i. 399 (published separately and generally quoted as *Vor-Semitischen Kulturen*).

[3] Mr. Tylor has shown that the mysterious figure with a casket and cone, so common on the monuments, probably represents the act of fertilization of the date blossom. *Proc. Soc. Bibl. Arch.*, June, 1890.

[4] Hommel, *Vor-Semitischen Kulturen*, p. 407. *Gin*, the earliest form of the Sumerian word, is probably the source of the Babylonian *kanu*, from which certainly Phœnician *kaneh* and western *canna* and *cane* are derived.

as well as tin[1] and iron were probably known from the first occupation of Babylonia, copper alone having been named before that time. As MM. Perrot and Chipiez observe,[2] the inhabitants of Mesopotamia were nearer than any other civilized nation to the sources of iron. M. Place estimated the iron he found at Khorsabad, just north of Nineveh, at 157 tons, all of excellent quality, which rang like a bell. Bronze weapons were strengthened with an iron core, and it is probable that the quality of Assyrian weapons had something to do with both the warlike triumphs of the kings and with their prowess as huntsmen, while the latter trait again inspired the best achievements of Assyrian art. All the traditions collected by the Greeks agree in placing the cradle of metallurgy in the region bounded by the Euxine, the Caucasus, the Caspian, the western edge of the tableland of Iran, the plains of Mesopotamia, and the highlands of Cappadocia. A few days' journey from Mosul, practically inexhaustible supplies can be obtained from the mountains of the Tedjaris, without going as far as the northern slopes of Armenia, the country of the Chalybes. Several passes led down to the Tigris Valley from the plateau of Iran, and the later land trade with India, if direct intercourse existed except by sea, probably proceeded by Kabul, Herat, the gates of the Caspian, and Media.

Badakshan is the native land of lapis lazuli, which was so much used in Babylonia, for colouring enamelled bricks and other purposes, that it was known in Egypt as "blue stone of Babel." Theophrastus gives it the more appropriate name of the Scythian stone, and the value attached to it in Babylonia, like the Chinese enthusiasm for jade, may have been a tradition from times when the people dwelt where the stone was found. Supposing the fact of some prehistoric contact between the Chinese and the men of Sumer and Akkad to be established, certainly there would be reason to believe the contact to have taken place, between the two points, whence each of the two derived its most specially prized commodity.

The teak wood found in Lower Chaldæa must have been brought by sea, and the cotton, also believed to have been imported,[3] might as easily have come by sea as land; but the lapis lazuli of Badakshan must have been brought by land caravans only, and that along a route more likely to have been kept open after national migration, than deliberately chosen by speculative traders in quest of they knew not what.

The whole of the mountain ranges from the Persian Gulf to the Black Sea are now believed to have been inhabited by peoples more or less remotely related to the first inhabitants of Chaldæa. The difference between the grade of civilization in the mountains and the plain is no more than the material advantages of the latter will explain; Elam, Susiana, and Chaldæa were probably settled at about the same time by tribes probably at about the same stage of culture, and it was not till afterwards, when the superiority of the lowlanders had declared itself, that Elam began to borrow

[1] So Hommel; Sayce renders this lead.

[2] *A History of Art in Chaldæa and Assyria* (Eng. trans.), vol. ii. p. 312.

[3] *Hibbert Lectures*, 1887, p. 138. *Sindhu* or muslin in Akkadian ideographs= "vegetable cloth."

from its western neighbours Gudea boasts of the conquest of Anzan, an Elamite State believed to be identical with the ancestral land of Cyrus,[1] who speaks of himself and his ancestors as kings of Elam Elam in 3,000 B C was already a State of some degree of civilization, possessing cities, though not apparently a written character It continued for something like 2,000 years to be the rival of Babylonia, and after that became the chief ally of the southern kingdom against Assyria, till it became the master of both under Cyrus [2]

The first settlers in Southern Babylonia brought with them a complete vocabulary of house-building, doors with hinges, and bolts and thresholds, walls and beams and bricks were named,[3] and the householder dwelt within a "ringed fence", roads, ships (for the river), and cities existed Bows and swords were made, but the character of the people was mainly pacific, they were builders and cultivators, executing, like the Egyptians, colossal works with simple appliances, by force of patience and keen observation They knew, better than the architects of Venice, that artificial foundations were necessary to those who try to build upon a swamp, and they knew, what British farmers within the last century found it hard to believe, that water would always find its way into an open pipe, and used the discovery to secure the efficient drainage of the foundation mounds of their houses, palaces, and temples [4]

With all its wisdom this wonderful race drew like children or Aztecs. Its religion was naturalistic, it consisted in the recognition of a "Spirit of heaven" and a "Spirit of earth," [5] and various other powers of good and ill, knowable, like fire and the palm tree, and unknowable, like pain and sickness These spirits were not worshipped, but "conjured," hence charms were older than litanies, and the attempt to find signs to reproduce the spoken word was stimulated by the desire to give permanent power to a protective spell Amulets are written among people who write nothing else, and the first people capable of inventing the art of writing may have applied it first to this purpose But there is a great gulf between picture

[1] Kurasch itself is a Kassite Elamite word signifying 'Shepherd" (Hommel, *Gesch. Bab u Ass*, p 273, *n*)

[2] The malice of Assurbanipal has to some extent defeated its own purpose In the annals of his eighth campaign he boasts of how he destroyed the temples of Elam, and reduced her gods and goddesses to dust "Their concealed woods in which no stranger (?) rests nor enters the compass thereof, my warriors penetrated therein, beheld their secret places, and burnt them with fire The great places (*i e* tombs) of their kings, the earlier and the later, who had not feared my lords, Assur and Istar, and had rebelled against the kings my fathers, I destroyed, I wasted them and let them see the sun Their bones I took to Assyria, their spirits I condemned to restlessness, and I cut off from them food and the pouring forth of water" In compensation he enables distant ages to assert that the ancient kings of Elam were interred with care in durable monuments and commemorated with sacrifices and libations of the Egyptian type. (*Keilinschriftliche Bibliothek*, edited by E Schrader, II p 207)

[3] *Vor Semitischen Kulturen*, p 399

[4] See for figured drain pipe, *Gesch Bab u Ass*, p 217

[5] The day of the resting of the moon god is a lucky day, "the day when the spirits of heaven and earth are adored" (*Heb Lect*, p 75) Later Semitic religion adopted 300 Igigi, or spirits of heaven, and 600 Annunaki, or spirits of earth (*J S B A*, VIII 2, p 250) For the latter number, see *post*, p 342

writing like that of the North American Indians, or even a simple system of hieroglyphic drawing, and a written character; and it is probable that this gulf was first passed in Southern Babylonia. The difference between Egyptian and Sumerian writing is very much due to the fact that the Egyptians were better draughtsmen than the Sumerians when their character was fixed. The few strokes, with which a crowned, sitting figure was scrawled, were about as much like a mummy as a statue, but they stood for "king,"[1] and, as one stroke after another was dropped or distorted to suit the convenience of the scribe, the distinction between ideograms and phonograms faded, and the character became more and more exclusively one of syllabic signs.

In this form it was borrowed and adapted by the earliest Semitic inhabitants of Babylonia and by the Assyrians, but, with them, all the polyphones or signs which have varying values, are equally meaningless; whereas, in the oldest dialect of the country, there is one sense in which the sound and meaning of every character agree.[2] The custom of writing with a wooden style upon clay tablets, which produced the wedge-shaped or arrow-headed marks now so familiar, was of later introduction, but when fairly established it contributed to efface whatever lingering traces of pictorial origin the character still retained. A simple example will show how the original signs were modified by the implements used. The archaic sign for a circle was , obviously a rude way of drawing , but the cuneiform character is , which looks much more complicated, and much less like a circle; on reflection, however, it becomes apparent that four strokes of the graver, beginning at the right-hand top corner, could not produce any nearer approach to a plain square than this, and of course more elaborate figures must have been still more distorted.

The resources of the character for literary purposes may be measured by the fact that the number of Sumerian characters known exceeds five hundred. All of these must have served originally as ideograms, representing, no doubt, a very limited vocabulary, though presumably sufficient for the purposes for which it was commonly used. Only about two hundred of these characters are in common use for later Babylonian and Assyrian texts, and the Assyriologist who is familiar with 250 can read any ordinary inscription. A hundred characters, in addition to their original signification, stand as signs for syllables of two letters—vowel, consonant; or consonant, vowel; but these quasi alphabetic signs are used also for syllables consisting of a vowel between two consonants. A larger number (125) are used exclusively for syllables of the latter kind, the other characters serving exclusively as ideograms. The distinction between signs expressing two sounds and three led to nothing in Sumerian, or in the Semitic-Akkadian language of later Babylonia, because the elements of compound words were mostly complete in themselves; and

[1] *Gesch. Bab. u. Ass.*, p. 36, fig. 2.

[2] It is as if the word "man" were represented by two legs, , and then this sign used for the first syllable of manners, manifold mansions, etc.

as in Chinese, it was the aim of the learned to keep up a kind of association between the phonetic value and the primary meaning of every character. But these characters were admirably adapted to suggest the possibility of alphabetic writing to the Persians, who in that way made a smaller number of cuneiform characters [1] serve to express all the sounds of a totally different class of language.

According to the current view, the religion of the men of Kingi, before their character was invented, resembled the crude belief in what may be called natural magic which distinguishes the nomad tribes who call their medicine men Shamans. "The inhabitant of Babylonia," Professor Sayce writes,[2] "was as yet in the purely Shamanistic stage of religious development. The world about him was peopled by supernatural powers, each of which was to him a *zi* or 'spirit.' But it was not a spirit in our sense of the word, nor in the sense in which the term was used by Semitic scribes of a later day. The zi was simply that which manifested life, and the test of the manifestation of life was movement. . . . Hence the objects and forces of nature were all assigned a zi or spirit."

This is no doubt true, but the statement is equally compatible with the existence of savage fetichism or rationalism as severe as that of Confucius. Whether we are to credit the men of Sumer and Akkad with one or the other depends upon the kind of objects which took the front place in their thoughts; for their life must have taken its character from the presiding "spirits" they instinctively acknowledged.

The most ancient sentence of human composition now known is probably the Sumerian version of the formula: "Conjure, oh Spirit of Heaven, conjure, oh Spirit of Earth." More than 5,000 years ago it was in the mouths of men, and even then probably represented a tradition of ancient wisdom.

But, as has been pointed out, to classify, to conceive in one group, as an object of invocation, the forces of heaven, and in contradistinction to these, the forces of earth, is a flight of philosophic abstraction far beyond the range of Shamanistic or fetichistic superstition. Even at this early day, the Mesopotamian founders of human civilization had attained to the same conception of the universe as the Chinese. The "Great Gods" of the primæval pantheon were the spirit of Heaven, the spirit of Earth and the tutelary spirit of the City. The two first are not disguised under any proper name, and the latter is originally only the god of Erech, or Eridu, or Ur,—the "good city," the "place of dwelling," or the "place of protection,"—sharing the name of the city, as the city shares the fortunes of the god. The fertile earth, the fertilizing skies and sun, are the great and essentially beneficent cosmogonic spirits.

It was a speculative afterthought, not unscientific as speculations go, to

[1] *Gesch. Bab. u. Ass.* p. 44 ff. The cuneiform alphabet, if one may call it so, of Persia, consisted of thirty-four signs for twenty-two letters, the duplicates representing syllables in which the same consonant is repeated before different words.

[2] *Hibbert Lectures*, pp. 327, 8.

assume a primæval chaos and a watery abyss, from the latter of which, by mysterious generation, men and spirits and all their works were to proceed. The "spirit of a thing," according to primitive and Chinese rationalism, means something quite immaterial, the sum of its tendencies or its habitual action. It does *not* mean a goblin or miniature god or demon, associated with the real thing, as Bel is god of the sun, or Istar the goddess of human love.[1]

It is generally agreed that the spells and incantations which have been preserved on bi-lingual tablets by the care of Assurbanipal, represent the most ancient compositions of the early inhabitants of Babylonia.[2] We gather from them that, 5,000 years ago as now, the lower course of the river valleys was, literally, a hot-bed of fever: the "fever demon who departs not" was even more dreaded than the evil wind or the hostile spirits of the field, the mountain, the sea, or the tomb. Among benignant spirits are the divine lady and lord of the earth, of the stars, of the seeds, of the firmament, and of the dayspring of life. The "spirit of the divine lady of growth, the shepherd of the pastures," the spirit of the fire-god, the corn-god, and the "spirit of the pure cloud spirit, the daughter of the deep," are all invoked.

Fire is the son of the watery abyss, an exalted hero in the land, determining the fate of everything that bears a name. Copper and tin are smelted by it, gold and silver are purified, and the advance of the enemy by night is turned away.[3] Fire must have been procured by friction, for the character used for it is composed of two ideographs—wood and light—or the wood of light.[4] The watery abyss is the origin of all things. When the waters of the sea and the marshland, of the Tigris and the Euphrates, the water of the pool, and the water of the river all fail, men resort with spells to the god whom they regard as their father, the author of their being. The ebbing sea, the rising sea, the flood, the high tide, enumerated in another spell, make up together a list of the aspects of water akin to that in the Egyptian text which describes all earthly objects known to the god of wisdom.

Evil may be wrought by the evil eye and the evil tongue, and by "him who is the possessor of the images of a man;" and the wide-spread superstition according to which similar power may be conveyed to an enemy by the possession of any portion of the person or its near belongings, seems to have dictated the destruction or concealment of nail-parings, hair, old rags, or rings, or other exuviæ.[5] A curse rested on "the feaster who, in his feasting, his crumbs had not collected;" but one can-

[1] The Samoans have a conception which is quite as metaphysical as this; everything of importance has a *mana* of its own, the idea being, apparently, a mixture of what we should call "power" or "virtue" and good fortune. Cf. *The Melanesians*, R. H. Codrington, D.D., p. 56. In the Solomon Islands a head is sacrificed to obtain *mana* for a new war canoe. (*The Solomon Islands and their Natives*, M. B. Guppy, pp. 16, 7.) Shamanism is a degenerate form of this natural animism, partly influenced, it may be, by contact with later anthropomorphic theologies.

[2] *Gesch. Bab. u. Ass.*, p. 253.

[3] *Ib.*, p. 192.

[4] *Hibbert Lectures*, p. 180.

[5] *Ib.*, pp. 442, 3.

not tell whether the danger is the same as in the preceding case, or whether the neglect to gather up the fragments is held to betoken culpable extravagance. Monstrous beings, unborn and sexless, are believed in and dreaded, and in the earliest texts—before Semitic influence led to the association of sin with judgments, and so made calamities a thing to be repented of instead of "conjured"—one seems to recognise the feeling that normal human life is good, and whatever is not human, or is adverse to humanity, is monstrous or evil. If the spirit of heaven gives deliverance, and the spirit of earth conjures the powers of evil, the granting of prayers to the modest Sumerian promises no more than this: "That I may eat during the day, that I may drink during the day, that I may sleep during the day, that I may satisfy myself during the day."[1]

On the other hand, the maleficent powers of the air are conceived emphatically as destitute of all human qualities, as well as antagonistic to human prosperity. As the Chinese classic observes, "Great winds have a path, they come from the broad open valleys;" and the great winds of Southern Babylonia, hot and dry from the desert in summer, and sometimes freezing cold in winter,[2] were dreaded by the settlers as their worst foes. The growth of trees and buildings gradually reduces the influence of these winds to insignificance, but the earliest settlements may have seen their laboriously reared crops blown out of the ground or buried in the dust. The evil spirits of the air were conceived to be seven in number, why we do not know, though the number may possibly have been suggested by the seven planets.

These winds that create evil are likened to destructive reptiles: "Children monstrous, messengers of the pest demon are they! Throne-bearers of the goddess of Hades, the whirlwind which is poured upon the land are they! Seven evil gods, seven evil consuming spirits are they! Male they are not, female they are not. They are the dust storm, the wanderers (?). Wife they possess not, child is unborn to them. Order and kindliness they know not. From the house of the mountain came they forth. Of Ea are they the foes. To trouble the canal in the street are they set. Evil are they, seven are they! In city after city do they cause the rainy wind. The rushing blast of the wind which produces darkness on a clear day are they! In heaven and earth they have no dwelling. Their name in heaven and earth exists not."[3] The fire-god reveals their enmity, and Merodach, the merciful son of Ea, teaches the spells by which they may be bound.

This picturesque vision of the shadow side of nature outlines for us at once the life which man, "the son of his god," desires to enjoy. He wishes to live at peace in an enclosed city, approached by "the road, the

[1] *Hibbert Lectures*, p. 444.

[2] Actual frost is not unknown in Babylonia, owing to the impregnation of the soil with salt where the sea has retired, and the Arabs have been known to fall from their horses paralysed by the unaccustomed cold.

[3] *Hibbert Lectures*, p. 207. Cf. Nansen, *Eskimo Life*, p. 266, for maleficient magic powers attributed to human recluses.

daughter of the gods," [1] from other cities, divided into quarters by four great streets, and traversed also by canals, giving access to the network of irrigation cuttings through the fields outside, and furnishing, when they were first dug out, materials for the "holy mound" upon which the seven-staged tower or temple of the god of the city was to stand. Within the city is the house; not open to all comers or common to a clan, but adapted to the free privacy of family life; there the wife is set in honour, "glad and gladdening" [2] like the mid-day sun. The simile was a standing one, for the sun-god, Merodach, is apostrophised: "Like a wife thou behavest thyself, cheerful and rejoicing." The worshippers of the sun-god, the judge of the world and director of its laws, do not think it unworthy of his majesty to pray, "May the wife whom thou lovest come before thee with joy!" The god Ea, the primæval spirit, has a mother as well as a daughter and a first-born son; and the phrase, "as a woman fashioned for a mother made beautiful," [3] shows that the Egyptians did not stand alone in the old world in idealizing the primary relations of life.

As in Egypt, the father, the mother, and the elder brother are the three essential elements in the family. The moon-god of Nipur is the first-born of Mullil, the lord of the Under World. The name of the great temple of Nebo was the "house of the legitimate" or "established son," [4] and, as in Egypt, the god Thoth was known as "the eldest" (son of Horus), so the name of "the first born Bel," as Nebo is called, is supposed to furnish the name of the sun-god worshipped on the island of Bahrein. [5] The sun is invoked as "a god who setteth at rest his father's heart." The elder brother is named immediately after the father and mother, as one whose curse may need to be removed by Merodach. Other relationships are seldom mentioned in the early texts, [6] and, as a rule, the enumeration ends with father and son, mother and daughter, brother and brother, friend and friend, neighbour and neighbour, though in one hymn the "*brother of the mother* of the male god" [7] is twice referred to. In a later poem the solitude of the mountains is described in what is very likely a traditional formula: "No mother inhabits it and (cares for) him, no father inhabits it with him, no priest who knows him (is there)." [8]

As Prof. Sayce observes, the pre-Semitic beliefs of Babylonia "betrayed no consciousness of human sin, and the necessity of finding in this an

[1] The conceptions which gave their character to the sacred roads of later ages clearly originated with the people whose hymns to the gods include allusions to "a road that benefits men, that pacifies mankind." (*Hibbert Lec.*, p. 504.) The class of benefits conferred is indicated by other idioms. Mr. Bertin says (*P.S.B.A.*, 1884, p. 86) that "harrani" road is frequently used for "business," "trade" in general, *e.g.* Kaspu harrani, etc., silver (money) of the road of So-and-So, exactly as in modern slang commercial travellers are gentlemen of the "road."

[2] *Hibbert Lectures*, p. 171. [3] *Ib.*, p. 296. [4] *Ib.*, p. 114.

[5] The god is called En-zag in one inscription; zag being a translation of first-born. *Journ. Roy. As. Soc.*, 1880. *The Island of Bahrein*, p. 189. Note by Sir H. C. Rawlinson.

[6] A Semitic hymn names "the seven branches of the house of my father" as among those who may have to be overcome. (*Hibbert Lectures*, p. 321.)

[7] *Hibbert Lectures*, p. 504. [8] *Ib.*, p. 295.

explanation of malevolent action on the part of the gods above;"[1] and the priest who is thus regarded as an essential part of the human group is merely a familiar—one who knows a man's name, and can therefore cast the spells needed for his protection. When the worshipper calls himself the son of his god, it is evidently as expecting or desiring the protection of a parent, not as promising the obedience or devotion of a son. The gods are adjured to be placable like a father or a mother who rejoices in having given birth to a child. And similarly, when the early kings and patesis[2] speak of themselves as beloved by the goddess of their city, the idea probably is, that the erection of fine statues and temples inspires the deity with a genuine human liking for the prince who bespeaks them. Like the Egyptian kings, the Babylonian gods are supposed to recognise a "favourite" as well as an eldest son. The god Gal-alim is the favourite son of the god Ningirsu, and the divinities have favourite cities and favourite adorers, just as the kings and priests have favourite gods and goddesses.

When we speak, however, of the god Ningirsu and the goddess Nina, or in the same way of other members of the Sumerian pantheon, there is an inevitable mistranslation or overtranslation, as the ancient language has no mark of gender. The word Nin, used for both, signifies "lord" or "lady;" the primary meaning being "the great one;"[3] and the proper name follows the common noun signifying divinity, a peculiarity which has led to some confusion, as the late Semitic translators did not always know whether an Akkadian proper name was male or female, and sometimes guessed wrong. The genealogy of the chief gods worshipped at Sirgulla—or, as according to Mr. Pinches, it should be called, Lagash—can be made out from one of the inscriptions of Gudea.[4]

Anna, the sky-god, the Anu of the Semites, is mentioned in the first place. The goddess Bau, "the mother," "the good lady," "the mistress of abundance," is called "the elder daughter of Anna;" she has much in common with the Greek Demeter, and under the name of "the august deity, Gatumdug," she is revered as mother of Lagash. Ninni or Nana, who answers to the Semitic Istar, is also a daughter of 'Anna, and it is not impossible that this dynasty, as one may call it, is really more ancient than that of Ellilla or Bel, "the lord of the mountain of the world," who is mentioned next to Anna in the same inscription. Ningharsag, "the mistress of the mountain," is the wife of Ellilla and the mother of the gods. The moon-god, Enzu, otherwise Sin, "whose name none pronounces," is their eldest son. Ningirsu, or Ninib, called the "son and warrior" of Ellilla, is the husband of Bau, the daughter of Anna, so that

[1] *Hibbert Lectures*, p. 314.
[2] The title borne by priest-kings, or viceroys.
[3] *Hibbert Lectures*, p. 176.
[4] *Records of the Past*, N.S., vol. ii. pp. 85, 6. See also the whole of the late M. Amiaud's Introduction to and translations of the Telloh inscriptions. (*Ib.*, vol. i. pp. 42–47, and vol. ii. pp. 72–109.) We adopt the form Lagash with the less reluctance that the alternatives—Sir-bulla, -burra, -gulla, and Sir- or Shir-purla—are variously spelt.

the two lines of descent are here united. The fourth god in order of precedence however is Enki, "the lord of the earth," whose word is unchangeable, who is better known as Ea, the lord of the waters. He has a daughter, Nina, who is mentioned next after Ningirsu; Samas, the sun-god, and Pasagga, a fire-god, "the master workman of men," [1] are also sons of Ea.

The arrangement of the gods in families, with two and three generations, is evidently artificial, and one reason for supposing Anna and Ea to be more ancient than Bel is that the latter is represented as having two grandsons, Gal-alim and Dun-shagana, son of Ningirsu. Ea has a grandchild, but it is in the more archaic female line, "Nin-marki, the good lady, the eldest daughter of the goddess Nina;" [2] and the seven sons of the goddess Bau are not associated with their mother's husband Ningirsu, as Gal-alim and Dun-shagana are. Nowhere else, except in Egypt, do theogonies insist upon primogeniture in the younger generation of divinities, and the prominence given to the same notion here is conclusive as to the important place assigned in the family to the eldest son, and even to the eldest daughter; while the family tree of Anna and Ea show that, also as in Egypt, the father of the mother was regarded in some sort as the real founder of the family. Prior to this earliest genealogical fiction, the goddess Bau was probably a coeval alternative conception, representing the abysmal water-deep like Ea himself.

In the time of Gudea, when the Sumerian *régime* was several hundred years old, it is clear that the eldest daughter only acted for the family when there was no son. "In the house where there is no son, it is its daughter who new offerings (?) has consecrated; for the statue of the god before the mouth she has placed them." This fact is stated as one of the signs of good government in the city; and we may argue that the custom regarding inheritance was less exceptionally favourable to women than in Egypt, since their right to inherit in the second place was liable to be contested in time of disorder. But the number and importance of the female divinities adored, as well as the precedence accorded to them, proves that the current estimate of the sex had more in common with that of the Egyptians than of the Semitic and Aryan nations. One of the earliest inscribed stones is offered by one Ur-Ellilla for the life of the patesi Ur-Bau, and consecrated "for the life of the wife of his son;" [3] and one of the earliest statues in existence represents a female figure.

Scarcely if at all less ancient than the earliest Sumerian spells and inscriptions are fragments of the gnomic morality of the ancient sages. Ea is the god of wisdom, as well as of those firstfruits of human civilization, the city and the house. And accordingly we find it written: "If the king decrees according to the writings of Ea, the great gods will establish

[1] Statue B of the Louvre, Col., viii. l. 64.
[2] *Records*, N.S., i. 77. *K. B.*, iii. 1. 25.
[3] *Records*, N.S., ii. 74. Jensen (*Keilinschriftliche Bibliothek*, iii. 1, 25) reads, "For the life of his wife and of his son."

him in good report and the knowledge of justice."[1] A tablet "with warnings to kings against injustice" embodies the ancient doctrine on this subject, which several passages in the Telloh inscriptions show to have been formulated before the age of Gudea. Here are a few of the omens enumerated :—

"If the king avenges not according to law, the people perish, his country is enfeebled.

"He avenges not according to the law of his country, the god Ea, the king of destinies, his destiny changes and by another replaces him.

"He avenges not according to (the wishes of) his princes, his days are long.

"He avenges not according to the statutes, his country knows invasion."

The ancient king is clearly not an autocrat but a judge, a minister of the laws, whose duty it is to keep the peace by executing justice on evil doers; but he must follow the law in his judgments, and not the wishes of his great men, or his dynasty will be superseded, to borrow the Chinese phrase, by a fresh "appointment of Heaven." In this tablet the "son" or citizen of Nipur, Sippara, and Babylon are referred to—in that order—as concerned in the sayings; so that its original composition must go back to a time when Sippara was more important than Babylon, and Nipur than Sippara, that is, probably, to a time anterior to the reign of Sargon of Agade. The tablet proceeds to declare that if the ruler smites the son of the city of Sippara and gives (? him to) another, the sun-god shall appoint another judge. . . . If the sons of the city of Nipur for judgment have thrown themselves (before) him, and he takes gifts and smites them, "the god Bel brings a foreign enemy against him and destroys his army." If the sons of Babylon bring silver and give bribes, and the judges of the Babylonians preside, and to their entreaty turn, "Merodach will give his enemies place over him and his goods and treasure shall be theirs." The giving of bribes is punished by men as well as the receiving them by the gods.[2] If the son of Nipur, Sippara or Babylon gives bribes, "into prison he shall be caused to enter."

One more clause must be quoted, because of its curious contrast with all the other indications of Sumerian humanity and culture. "If the sons of Nipur, Sippara or Babylon let their warhorses feed upon their children, or offer them to warhorses, the king's armies are slain, his soldiers are food to the god of famine, his fields and herds perish." Whether this savage custom prevailed among the tribes of Turkestan, whence the Sumerians are supposed to have come, or amongst the nomads of the Syrian desert, must remain an open question. Neither stock was incapable of practising human sacrifices,[3] and if it were not that horses seem to have been

[1] *Hibbert Lectures*, p. 368. *Records of the Past*, vii. p. 119.

[2] In a Semitic hymn, the Sun-god is apostrophized as "Judge unbribed." (*Hibbert Lectures*, p. 320.)

[3] In the "Observations of Bel," it is written, "on the high places the son is burnt" (*Hib. Lect.*, p. 78); Mr. Ball (*P.S.B.A.*, 1892, p. 151) argues from the context that "this difficult line . . . refers to the effect of weather upon the crops." But it is probably to a Babylonian god (or goddess) that the men of Sepharvaim sacrificed their children (2 Kings xvii. 31).

borrowed from the highlands of Asia Minor rather than Central Asia, w might regard it as a piece of Tatar barbarism, which the settlers wer anxious to renounce. In any case it is a fresh proof of the antiquity o Sumerian civilization that we find it, and its literature, existing in immediat contact with such archaic savagery.

The colophon of the above tablet may be quoted as a general acknow ledgment of the boons conferred on the student of history by the versatile Sardanapalus, who will be remembered in the future for his disinterested love of learning, no less than for his savagery on the warpath and his licentiousness in the harem. It is endorsed "Tablet beginning: If the king according to law avenges not, he dies," and dated "Palace of Assurbanipal, the king of multitudes, the king of Assyria, to whom Nebo and Tasmit gave broad ears, his seeing eyes regarded the engraved characters of the tablets; this writing which none of the kings which went before me regarded, the secrets of Nebo, the literature of the library so much as is suitable, on tablets I wrote, I engraved, I explained and for the inspection of my subjects in the midst of my palace I placed."

These moral precepts, which the Assyrian king had copied for preservation in his library, were the commonplaces of oral tradition under the Sumerian kings and priests. Gudea records his observance of them in a fashion which recalls the autobiographical epitaphs of Egyptian worthies. In the most important of his inscriptions,[1] upon a statue of himself set up in the temple of the god Ningirsu, we have lists of his gifts to the gods, lists of the gods by whose favour his power was established, and also of the circumstances which qualify his city for distinction as a chosen place of worship. "After that the god Ningirsu had turned towards his city a favourable gaze (and) Gudea had chosen as the faithful shepherd of the country, (and) among the divisions (?) of men had established his power, then he purified the city and cleansed it. He has laid the foundation and deposited the foundation cylinder." The meaning of the next few lines is doubtful, and is conjecturally rendered by Amiaud as referring to the banishment of sorcerers and demon worshippers, and it is possible that the gods of Gudea were consciously intended to supersede the "spirits" of the old naturalism as objects of adoration; in which case of course the experts of the old school, which had no temples or endowments, might have been regarded as enemies to the new cult. However this may be, Gudea goes on to relate: "The temple of the god Ningirsu in all respects in a pure place he has constructed. No tomb has been destroyed (?), no sepulchral urn has been broken (?), no son has ill-treated his mother (?). The ministers, the judges, the doctors, the chiefs, during the execution of the work have worn garments of . . . ?"

The next four lines are also doubtful, but seem to imply that no inter-

[1] On the so-called statue B. of the Louvre. (Amiaud, *Records of the Past*, N.S., ii. 76.) In col. 2, l. 5, the word conjecturally translated as "architect" by Amiaud was rendered by Jensen (*K.B.*, iii. 1–29) "spender," or "afforder of treasures," and subsequently "of enduring name." (*Zeitschrift fur Assyriologie*, viii. 2, 233.)

ments had taken place within the city, so that it had not been polluted by funeral services of lamentation. The sanitary rule against intramural interments observed by the Egyptians and Chinese as well as the Babylonians, must of course have been introduced after city life began, and it is quite natural that the reason, given for its introduction, should have been not to pollute the habitation of the gods, since epidemics or other unusual mortality would naturally be taken as a sign of the god's displeasure. A living faith in the Divine powers of nature is as effective in promoting obedience to "natural laws" as the most scientific materialism, and indeed more so, while man's perceptions are unblunted by theories, and he sympathises instinctively with the real forces which surround him. The "sepulchral urns" of this period were earthenware vessels, either shallow and circular or cylindrical, in which the corpse was placed, the lid or upper half being then closed with clay. Priests of a certain class and female mourners took part in the funeral ceremonies, and some half-ritualistic, half-hygienic theories of purity, such as prevailed in Egypt, are probably indicated by the mention of the garments worn by persons of consequence while the temple was in course of construction.

What follows is still more significant: "On the territory of Shirpurla a man (at variance with his neighbour) to the place of oath has taken no one;"[1] in other words there have been no lawsuits; "a brigand has entered the house of no one," presumably because the whole people were prosperous and well governed. All these are conditions precedent to the result—the completion and dedication of the temple E-Ninnu for the god Ningirsu by "his king," Gudea.

We read next of the precious woods and stones, gold dust and bitumen (?) imported for the temple, and the dedication to the god of a statue of hard stone, which the patesi had caused to be cut, and had named "O my king, whose temple I have built, may life be my recompense." The life-likeness of the statues of this reign is evident from the broken remains which have reached us, and the feeling of the period is recorded in the inscription: "Gudea unto the statue has given command: 'To the statue of my king speak!'" The antiquity, the interest and the typical character of the remainder of the inscription will be a sufficient excuse for quoting from it at length: "After that the temple E-Ninnu, his favourite temple, he (Gudea) had constructed, he relaxed his mind; he washed his hands. For seven days corn was not ground.[2] The female slave has been made the equal of her mistress; the male slave has been made the equal of his master; in my city the chief of his subject has been made the equal.[3] All that is evil from this temple I have removed. Over the commands of

[1] Jensen has: "No man possessed of reason has gone to 'a place of conjuration,' or entered the house of a (?) magician:" a good example of the uncertainty attaching to all early versions of an obscure text, and also of the extent to which a provisional reading may be recommended or otherwise by its sense.

[2] *K.B.*, iii. 1, 41. Amiaud has: "I have remitted penalties, I have given presents. During seven days obeisance has not been exacted."

[3] *K.B.*, *l.c.*, "The strong (?) now rested beside the weak (?)."

the goddess Nina and the god Ningirsu I have carefully watched. A fault the rich man has not committed;[1] all that he desired (?) the strong man has not done. The house where there was no son it was its daughter who new offerings[2] has consecrated; for the statue of the god before the mouth she has placed them. Of this statue neither in silver, nor in alabaster, nor in copper, nor in tin, nor in bronze let any one undertake the execution! Let it be of hard stone!"

Then follow denunciations of whomsoever in future may remove the statue or deface its inscription, or substitute his god for Ningirsu, the god of Gudea, or transgress the judgments and revoke the gifts of Gudea and his predecessors, men of noble race, the patesis of Shirpurla. Then twenty-two gods and goddesses, most of whom have already been named,[3] are adjured to change the destiny of the man who ventures to change the words or transgress the judgments of Gudea. "Like an ox may he be slain in the midst of his prosperity! Like a wild bull may he be felled in the plenitude of his strength! As for his throne, may those even whom he has reduced to captivity overthrow it in the dust! . . . His name in the temple of his god may they efface from the tablets! May his god not look upon the ruin of his country! May he ravage it with rains from heaven! May he ravage it with the waters of the earth! May he become a man without a name! May his princely race be reduced to subjection! May this man, like every other who has acted evilly towards his chief, afar, under the vault of heaven, in no city whatsoever find a habitation! But may the peoples proclaim the greatness of the champion of the gods, the lord Ningirsu!"[4]

To remit penalties and give presents is still, as of old, the Chinese emperor's way of celebrating auspicious anniversaries, and in spite of the tentativeness of the above translation, one can scarcely be wrong in supposing the lines concerning the virtuous forbearance of the rich and powerful to be inspired by a theory of their besetting sins, like that set forth in the Li-Ki.[5] The curious passage which intervenes, about a seven days' festival, in which all class distinctions are abolished, clearly shows that the Babylonian Saturnalia, the prototype of all later ones, had a religious origin. It was thought agreeable to the gods that masters and chiefs should waive their authority for a while, and the Sacæan feast of five days, described by Athenæus after Berosus,[6] during which a slave from each house was dressed as a king and treated as master, is clearly identical with that celebrated by Gudea. Professor Sayce suggests that the festival of Zag-mu-ku, held in the time of Nebuchadnezzar at the beginning of the year, may be the same as the Sacæa, which, however, was said to be held in the eleventh month. If the feast was originally celebrated at a particular season of the year, its nominal date would vary unless the calendar was corrected by periodical revisions.

[1] *K.B.*, p. 43, "The wealthy did not (what was) not. . . ."
[2] *K.B.*, Oil for lighting. [3] *Ante*, pp. 239, 240. [4] *Records*, N.S., ii. 87.
[5] See *inf.*, vol. ii. book iv. chap. viii. [6] *The Deipnosophists*, iv. c. 22.

Taking the inscription as a whole the author may be said to have four principal ideas: to please the gods by gifts, to please them by good behaviour,[1] to receive their favour and assistance in return, and to have his monuments respected by posterity. Conduct was thus at least one quarter of the ruler's religion; and an interesting text shows it to have been of equal importance in the eyes of private citizens. Exactly in the manner of the Confession in the Egyptian Ritual of the Dead, the ancient Babylonian asks himself: "Have I estranged father and son, brother and brother, or friend and friend? Have I not freed the captive, loosed the bondman, and him who lay in prison? Have I resisted my god or despised my goddess? Have I taken to myself the land of another or entered my neighbour's house with evil purpose? Have I approached my neighbour's wife? Have I shed the blood of a man or robbed any one of his garments?"[2]—all of these being offences which might account for any heavenly visitation.

A kind of natural selection takes place among the records of the past, and it may fairly be assumed that the class of documentary evidence which survives longest and in largest quantities, does so because it was originally most abundant and most cared for. It is therefore allowable to judge of the character of Babylonian, or rather Sumerian civilization, from the earliest fragments, since no assignable influence has been at work to lend it a false air of humanity. The authors of the *History of Art in Chaldæa and Assyria* had no foregone conclusion on this subject to support, yet they note as a feature common to Egypt, China, and Chaldæa, that the secret of their longevity lay in the permanent forces by which society reconstituted itself on the old framework after every shock; and this kind of vitality, unknown to the ordinary Oriental monarchy, always betokens rooted habits of self-government, associated with considerable liberty of local administration. "This framework," MM. Perrot and Chipiez observe, "had been so patiently elaborated and co-ordinated, it was so elastic, and at the same time so full of resistance, that even a foreign master found it more politic to preserve it and fall in with its ways than to destroy it; he was content in most cases to step into the place occupied by the prince he ousted. Affairs then fell into their accustomed groove, as soon as a conquest was complete; classes were reconstituted on their old bases; property and people took up their former conditions; the only difference lay in the fact that a new group of privileged individuals shared the wealth created by agricultural, industrial, and commercial activity. The sovereign and his chief officers might be of foreign race, but the social machine rolled on over the same road and with the same wheels as before."[3]

[1] This idea is brought out in some cases more clearly by P. Jensen than Amiaud, *e.g.* in *Gudea D.*, col. 2, l. 4-6. ". . . A righteous man, who loves his town, fulfilling what it is becoming for him to do," *l.c.*, p. 51.

[2] Hommel, *Geschichte Babyloniens und Assyriens*, p. 264.

[3] Vol. ii. p. 379, Eng. tr. A somewhat similar, if less fortunate, result may be observed in the Hibernization of successive invaders of Ireland.

These remarks apply even more fully to the early history of Southern Mesopotamia than could have been realized when they were written. Elamite, Semitic, and Kassite princes might establish dynasties, but the culture of the subject population was too strong for them, and like Sargon and Cyrus they were content to serve as its military protectors or guardians. Conquerors who asked for more than this got nothing, for their conquests crumbled away like sun-dried bricks. Chaldæan civilization, like that of Egypt, had to exist in its own way or perish utterly. China, not unwisely, takes the same view of her own destiny, and this general resemblance adds to the interest of the parallel institutions met with in all three countries.

Some of the earliest inscriptions found at Telloh, those of the kings Ur-nina and Ur-kagina and the patesi En-anna-tumma, speak of "the house of fruits" of divers gods. The first of these princes tells us that after erecting the temple of Ningirsu, he caused seventy great measures (?) of corn to be stored up in his house of fruits, and the second enumerates among his constructions "the house of fruits which produces abundance (?) in the country;" while the third restored the house of fruits of the god Ningirsu, possibly the one erected by Ur-nina.[1] Many of the private tablets now in the British Museum record or acknowledge the loans of grain made from temples, and it is clear that from the earliest times it was the custom for the prince to give corn to the temples, and for the temples to give or lend it to the cultivators in their need; in other words, the temple revenues served the same purpose as the stores of grain, which it was considered the duty of a Chinese prince to accumulate during years of plenty, or those with which Egyptian kings and princes provided rations for the workmen employed upon their monuments, or for the cultivators whose crops have failed.

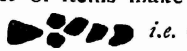
The passage in which Sargon speaks of fixing the price of corn and oil,[2] for the benefit of his subjects, shows that the liberty of traders was restricted, not in any way for fiscal purposes, but to prevent an unwholesome scarcity or dearness of the necessaries of life. The "dishes of the kings and the gods" are referred to as furnishing a certain standard of propriety, and it is a reasonable inference that the desired cheapness was secured, after the Chinese method, by regulated issues from the house of fruits, and that it was in this way that "abundance was produced in the country."

This institution is clearly distinct from the offerings or endowments devoted to the worship of the temple. The former were on a modest scale, which shows that anciently the maintenance of the priesthood cannot have been a burdensome charge. For the great festival of the goddess Bau, at the beginning of the year, one ox, ten sheep of various kinds,[3] two lambs, seven measures of dates, seven measures of cream,

[1] *Records*, N.S., i. pp. 68, 71, 74. Jensen reads doubtfully, "das Nahrungshaus." (*Keilinschriftliche Bibliothek*, iii. 1, 19.)

[2] *Post*, p. 308.

[3] An adjective is appended to each animal mentioned, which Amiaud conjecturally

seven palm shoots, two other articles by the seven, seven swans, fifteen cranes, fifteen eggs of one animal and thirty of another, thirty garments of wool, and seven garments of some other material were presented, and these gifts were only doubled at the dedication of a new temple. The numbers fifteen and thirty are interesting, and give a presumption in favour of the sexagesimal notation having been adopted already; seven we know to have been a favourite number, and fourteen occurs occasionally, but fifteen is much more common, and there can have been no reason to prefer it to the more obvious multiple of seven, unless it were a fraction of some number even more notable. The matter is placed beyond a doubt by a list of garments, in archaic characters,[1] discovered and published by the Pennsylvanian University expedition, to which attention has been called by P. Jensen. A number of items make up the total ninety-two, which is written, rudely, thus:  *i.e.* 60 + 30 + 2.

An endowment, as distinct from offerings, is described in the same inscription:[2] "Gudea in a pure place has built the temple of the goddess Gatumdug, his lady; he has made the holy throne of her divinity, and her sacred altar (?). He has formed the oxen into a herd, and established their herdsman; to the sacred cows he has added sacred calves, and established their drover. To the sacred sheep he has added sacred lambs, and has established their shepherd. To the sacred goats he has added sacred kids; their goatherd he has established. To the dams of whatever species the increase of younglings, he has added and established their guardian." The reiterated assurances on this head seem to imply that it was something new to give herds for breeding to the temples, and we may infer that, at least until this time, each generation provided gifts for its own sacrifices at its own expense. As in Egypt, permanent endowments were invented by potentates who wished to perpetuate after their death the precise worship in which they took most interest while alive. It was for their own satisfaction rather than that of the gods that such gifts were made; and as, naturally, the kings only devoted their superfluities to this posthumous satisfaction, the people of the country were not burdened, and as in Egypt the national religion was associated with popular shows rather than oppressive contributions.

If the king's storehouses were intended for the glory of the god and the good of the people, and the temples for the glory of the king and the satisfaction of the gods, the third great kind of public work carried on by all the leading princes was inspired exclusively by regard for the well being of the people. From Ur-kagina[3] to Nebuchadnezzar, the construction of canals and their reparation was a constant care of the great kings;

renders "young," "fat," and "male;" they might, however, represent technical varieties of form or colour, considered important for sacrificial purposes.

[1] Hilprecht (*Babylonian Expedition*, Pl. 6). *Zeitschrift fur Assyriologie*, Aug. 1893, p. 231.

[2] On statue E of the Louvre. *Records*, N.S., ii. p. 99.

[3] *Records*, N.S., i. 72.

the "canal in the street," when untroubled by the powers of evil, supplied the citizens with water as well as with the means of communication, where roads would have been impassable when the floods were out.

The head or mouth of a canal was a favourite place for temples or monuments, of the kind culminating in the Egyptian Labyrinth, and even the early Sirgulla monuments are supposed to name buildings after the quays of the canals. The entirely artificial character of these channels is shown by the fact that they were lined with tiles, and apparently sometimes paved as well as walled.[1] They easily fell out of repair, and the inhabitants, in the words of Senacherib, finding nothing to drink, lifted up their eyes after the rain, the offspring of the skies. One king frequently records of another, "The canal which he had dug, its head was destroyed, and for so many years the water within it did not run;" or "its course had become choked with fallen earth;" then the restorer digs it over again, brings the water into its bed, tiles its walls, makes bridges across it, and plants trees along its side.

The constant mention of "foundations" as an essential part of all buildings is a witness to the difficulty of giving permanence to any kind of erection. "His head in his foundations" is the equivalent expression for "upside down;" and an Akkadian proverb describes the condition of success in the law courts: "A heap of witnesses as his foundations he has made strong."[2] In the case of buildings of importance, like a city gate, the foundations were excavated till water was reached,[3] and tiles set in bitumen substituted for the soil. The mounds on which the walls were to be raised, if of earth or crude brick, were themselves carefully drained with terra-cotta pipes, tapering in three circles at the points, and perforated with small holes to carry off the water, without allowing the pipe to become clogged with earth. "The House of the seven divisions of Heaven and Earth," the famous seven-staged tower of Borsippa, was found by Nebuchadnezzar to have fallen into decay, in consequence of the channels for water having got out of order, so that the coating of tiles was broken through.

The burnt bricks of Chaldæa were practically indestructible, but, unfortunately, those dried in the sun lasted long enough to encourage their use. The heat of the climate made thick walls desirable, and as timber and stone were scarce, it was easier to roof over chambers which were small in proportion to the size of the enclosing walls. On the other hand, the great weight of such walls, unless the foundations had received exceptional attention, caused the fabrics to subside easily into mere earth heaps, even when they had been originally faced with kiln-made bricks or tiles. The more lofty the building, the more rapidly it was likely to fall into ruins; and hence, as MM. Perrot and Chipiez observe, Mesopotamia differs

[1] Like the water channel in the island of Bahrein, *inf.* Book III. ch. viii.
[2] *Records of the Past*, vol. xi. p. 153.
[3] Schrader, *K. B.*, iii. 2, pp. 21, 5. An inscription of Sargon (*ib.*, ii. 71) speaks of this occurring, in the digging of a canal, at the depth of 21 ells.

from Egypt in the fact that its palaces remain while the temples have disappeared.

The bas-reliefs with which the interior walls of the palaces were decorated, were executed in a soft, easily worked alabaster, and served as a kind of dado to protect the crude brick walls. The Assyrian kings sometimes annexed the panels of their predecessors, turning their carvings and inscriptions to the wall, and using the blank surface to commemorate their own achievements. Esarhaddon was particularly addicted to this kind of theft, the palace of Tiglath-Pileser II. being despoiled for his benefit, though he boasts in one inscription of repeating the lines with the name and titles of his father along with his own, and adjures his descendants to show equal piety towards himself, to purify his inscriptions with oil, and bring offerings before them that so Assur and Istar may hear their own prayers.

The inscriptions of the kings bear repeated witness to the ease with which cities were destroyed, as well as to the readiness with which works of all kinds fell into decay. The destruction of Babylon, which Esarhaddon ascribes ambiguously to a "former king," swept over its dwelling-places and temples and made them as a ploughed field, so that its habitableness was destroyed for eleven years. Reducing the towns of an enemy to the condition of a ploughed field was, in fact, the easiest and most common form of vengeance. The canal banks fell in, the channels silted up, the floods penetrated the foundations and washed down the walls of houses and temples, and even if the destroyed buildings were so large and numerous as to form a mound upon the plain, these mounds themselves were cultivated and built upon, like virgin soil. The short interval between the fall of Nineveh and the Retreat of the Ten Thousand sufficed for the great city to vanish so entirely, that Xenophon passed by its site without suspicion of its former history; and at the present day the fields and cottages of an Arab village are most commonly planted on the top of the mounds formed by buried cities.

Of decorative architecture, that is to say of buildings deliberately made beautiful in lines and proportions, there was little or none in Babylonia and Assyria. The conjectural restorations of the ancient buildings show great masses of unrelieved brick wall, varying little in main outline from the mastaba form of tomb. The colossal winged bulls which formed the only ornament of the façade, needed all their size not to be dwarfed by the mass, and they were set up probably less for ornament than symbolism. The antiquarian Nabonidus doubtless expressed the current tradition when he tells us that he set up for the protection of the sanctuary of a temple "a wild bull of shining bronze, who pushes back my foes;"[1] and a corresponding meaning must have been attached to the serpents also portrayed, especially at gateways. The quaint device of representing bulls and lions with five legs is not in practice so ludicrous as might have been expected; on a front view, two front legs are shown in a standing position,

[1] *K.B.*, iii. 2, p. 101.

and at the side four legs are shown walking, but there is scarcely any point from which all five legs are seen at once.[1]

What has been said above with regard to animal worship in Egypt applies to the beast-headed gods of Babylonia. The story of the loves of the goddess Istar,—with the eagle, Alala, the lion, perfect in might, the horse, glorious in battle, as well as with the shepherd, Tabulu, and Isullanu (he who makes green the living things), the gardener of her father,—would show this sufficiently, while also explaining the place of such representations in the national art. But the early hymns abound in indications of the sense of nearness to the animal world. A hymn to Ea, the god of the pure crown, prays, "May all creatures that have wings and fins be strong!"[2] and the half natural, half superstitious loathing of the hyæna and other ravagers of the sheepfold is curiously like that with which the Australian stockman regards the dingo.

The earliest buildings possess as much ornamentation as any; at Warka, the ancient Erech, a wall was found made of terra-cotta cones, with stained base forming mosaic, and another decoration was formed by letting in empty vases, with their mouth flush to the wall. Blue, yellow, black and white are the colours chiefly found in enamelled bricks,[3] and the manufacture of fine enamelled tiles, which continued down to the beginning of the present century in Nicæa and Nicomedia, may represent an unbroken tradition derived from the earliest occupation of these districts, as the so-called Turkey and Persian carpets, which are admirable in direct proportion to their freedom from European influence, are the lineal descendants of the Babylonish wares, which Semitic and Aryan nations agreed in regarding as the supreme type of luxury. The workmen of Mesopotamia do not seem to have possessed any exceptional mechanical skill. The knowledge and use of the arch is naturally most common among builders using the smallest units of construction, and they had a curious plan of laying each course of the bricks of the arch on a slant, so as to rest more easily in place;[4] but it seems doubtful if the principle of the arch was really understood, at least in Assyria, as the vaulted roof in Sargon's palace at Khorsabad is made of bricks each shaped for its place in the dome. Scented cedar wood was used for the internal fittings of temples and palaces, and beaten gold and bronze work were used to cover the wood.

As already observed, iron of the best quality was produced, and the art of damascening was understood. During the American excavations at Nipur, agate was found in plenty; magnesite was still more abundant, and said to be of extraordinary purity, such as is only met with in Eubœa; while real and artificial lapis lazuli—the latter a glass coloured with cobalt —were the most plentiful of all: thirty to thirty-five (German) pounds' weight were found in all. Inscribed blocks or disks of lapis lazuli were the favourite offering of Kassite kings, and its identification with the *ugnu*

[1] *Art in Chaldæa*, ii. 131. [2] *Hib. Lec.*, p. 140. [3] *Art in Chaldæa*, i. 283.
[4] *Ib.*, p. 230, and illustration.

or *uknu* stone frequently named among the gifts of Burnaburias in the Tell el Amarna tablets is now regarded as certain.[1] The existence of the thin plates of this valuable material is accounted for by Hilprecht as follows: inscribed blocks were originally dedicated by the kings, and preserved in the temples, but after a time the priestly custodians of the blocks considered themselves at liberty to slice off the inscription and use the remainder of the stone, a device not guarded against in the imprecations to which the donors trusted for the preservation of their monuments. Sometimes, notwithstanding the imprecations, the inscription was *scratched out.*

Upon the whole the industrial arts in primitive Babylonia were in a state of development compatible with quite rudimentary civilization, or even the higher forms of barbarism. Taste and dexterity are often at their best before social or political organization; and the importance of the manufactures of Mesopotamia lay in the fact that a populous and well-ordered country, inhabited by eager and able traders, could produce, in any quantity that might be desired, all such wares as are now generally supplied, only on a small scale, by backward races, whose work is done in accordance with ancient custom rather than from choice with commercial intent.

[1] *Z.A.*, VIII. 2, pp. 187, 232.

## CHAPTER II.

### *BABYLONIAN CHRONOLOGY.*

DISCOVERIES made within the last decade have led the students of the earliest monuments of Babylonia to claim for the kingdoms of Sumer and Akkad an earlier date than even that assigned for the foundation of the Egyptian monarchy. Indeed, it is clear that Euphratic civilization must have been the elder, if the ancestors of the Egyptians proceeded from Western Asia to the Nile Valley, and if the civilization established in the region they quitted was not brought back by a returning stream of immigration from Egypt.

To the general resemblances noted in the earliest monuments of Egypt and Babylonia, Professor Hommel has lately added a remarkable list of coincidences of name and meaning in some of the most ancient divinities and towns of the two countries. Eridu, the seat of the primæval worship of Ea, in its earliest form Urru-(or Guiru-)dugga, means "city of the good" (*sc.* god), while the name of Memphis (Men nofer), commonly rendered "good city," is susceptible of the same reading as that of Eridu.[1] At some still earlier period Eridu is called Nun-ki, the place of Nun, the god of the heavenly ocean, which it is possible further to identify with the later name of the god Anu, on the one hand, and with the Egyptian Nun on the other. The primitive cosmogony of Egypt and Babylonia follow parallel lines, and besides the natural deities of water, air, and earth, who might be recognised and duplicated independently, the place of Merodach, the son and manifestation of the Good Being, is singularly similar to that of Osiris, the interpretation of whose name may be revised in the same direction as that of Memphis, so as to convert the resemblance into identity.

There is only one certain way to test the correctness of the interpretation of a doubtful hieroglyph; namely, to trace each element in the hieroglyph back to an original ideogram. This had not been done in Egyptian for the name Osiris, which is made up (in pyramid texts) of the groups "dwelling" and "eye," is read us-ir, and has no assignable meaning. In the earliest Sumerian texts the name of Merodach is also written with the ideograms for "dwelling" and "eye," but the latter character has also the sound value *limma*, which, whether originally used for eye or not, is also used for the ram, the symbol of Ea, so that the Sumerian characters

[1] *Der Babylonische Ursprung der Ägyptischen Kultur.* Munich, 1892, p. 23.

bear on their face the sense "dwelling place of Ea," and the source of the Egyptian hieroglyph, in sounds which once signified "dwelling-place (*i.e.* manifestation or embodiment) of the god," is thus fairly demonstrated.[1]

Other parallelisms, not perhaps equally striking, or all equally convincing, are discussed in the same publication; but as one sufficient proof is not invalidated by any number of weaker ones, it seems hardly possible to challenge the inference of the learned Assyriologist that the names Osiris and Memphis, like the structure of the seven-staged step pyramids of prehistoric Egypt, form part of the inheritance received by the Egyptians from the parentage they shared with the men of Eridu. The only bearing of this fact on the history of Babylonia is to throw the date of its beginnings at least some centuries further back than whatever date is assigned to Menes. The final history of Babylonia will not be written for many years to come, and may remain fragmentary even when every mound has been rifled of its contents, and every text translated. But the existence of ancient kings of Agade, and still more ancient priests regent at Lagash, and of a succession of princes ruling at Ur, Erech, Larsa, Sippara, and other cities more venerable than Babel itself, is a fact as certain as the exact date and sequence of the kings is doubtful. The general order of the monuments can also be approximately assigned from internal and other evidence, and all that is most characteristic in the national temperament can be traced to the earliest period; at least the traces of what is most peculiar to the people are relatively most numerous at the earliest date, and so warrant the inference that these traits are aboriginal.

In Egypt the kings of the Twenty-sixth Dynasty effected a sort of antiquarian Renaissance. They restored the worship and the monuments of ancient kings as far back as the Second and Third Dynasties. Nabonidus, king of Babylon (550 B.C.), seems to have had a similar ambition, and an inscription of his furnishes the cornerstone of recent systems of Babylonian chronology. In this he narrates how he rebuilt a temple of Samas, erected forty-five years before by Nebuchadnezzar, who had vainly sought for the foundation stone of the ancient temple he replaced. Nebuchadnezzar's temple fell into decay, and Nabonidus, before restoring it, made more searching excavations and laid bare the foundation stone of Naram-Sin, the son of Sargon, "which no living king before me," says Nabonidus, "had seen for 3,200 years."[2] If Nabonidus' chronological information was correct, this gives a date for Sargon of Agade about 3800 B.C., very much prior to any time suggested for that ruler before the discovery of the inscription. The argument for accepting the date is that other kings refer to events that occurred several centuries ago, such as the capture of sacred images, in a way that shows the national chronicles to have been continuously dated, as well as candid and complete.

Senacherib boasts that at his conquest of Babylon, in 695 B.C., he re-

[1] *l.c.*, p. 21 ff. *Cf.* also the independent suggestion of Rev. C. J. Ball, *P.S.B.A.*, 1890, pp. 401, 2.

[2] *A.B.*, iii. 2, 105. The original cylinder found at Sippara is published, Rawlinson, *W.A.I.*, v. 64.

covered two Assyrian gods which had been carried off by Marduknadinahi 418 years before.[1] Marduknadinahi was a contemporary of Tiglath-Pileser I., and the latter speaks of restoring a temple of Assur, built 700 years before by the king Samsi-ramman I., who therefore reigned about 1814 B.C.[2] Nabonidus elsewhere refers to an interval of 700 years between two earlier rulers: the famous Hammurabi and Burnaburias, the correspondent of Amenophis III.[3] On another occasion Senacherib speaks of having reclaimed a seal belonging to the Assyrian conqueror of Babylon, Tiglat-adar, which had been carried off into the land of Akkad 600 years before, and so fixes the date of the war in question to the thirteenth century B.C.[4]

A still longer interval is bridged by the statement of Assurbanipal that when he conquered Elam, about 650 B.C., he found there an image of the goddess Nana, which the Elamite conqueror Kudurnanchundi had carried off 1,635 years before, *i.e.* 2285 B.C.[5] Records of this kind inspire confidence, because a modern conqueror has no motive to invent a remote defeat of his predecessors, though he will not suppress a contemporary record of such a defeat, when its capture bears witness to the completeness with which the tables have been turned in his favour. It is probable that Elamite and Kassite, as well as Assyrian and Babylonian kings, kept records of their relations with adjoining powers, which may have been at all times more or less accessible to the learned, besides being used officially in diplomatic negotiations. The long period, of which Assurbanipal speaks, is described after the ancient Babylonian fashion as 2 ners, 7 sosses and 15 (*i.e.* 1200+420+15), or 1,635 years, and the date thus assigned to the Elamite king does not present any special difficulty.

It may be asked why, if the chronology of Assurbanipal is accepted for events 1,600 years before his own date, we need hesitate to accept the chronology of Nabonidus for twice that period. His evidence is conclusive as to the fact that he restored a building, erected by Naram-Sin,[6] and that the chroniclers of the sixth century B.C. informed him that this king reigned three times one number, plus twice another number, of years ago.

[1] *K. B.*, ii. 119.
[2] *Ib.*, i. 43. *Babylonisch-Assyrische Geschichte.* C. P. Tiele. Part i. pp. 93, 4.
[3] *K.B.*, iii. 2, 91.
[4] *Ib.*, i. 11.
[5] *Ib.*, ii. 209. Such reciprocal capturing of inscribed monuments went on from very early times. Two interesting examples of it were discovered by the Babylonian Expedition of the University of Pennsylvania (ed. by Hilprecht), vol. i. pt. 1 (1893), pp. 21, 31. A tablet of agate dedicated "for the life of Dungi" by a patesi, and carried off by some conquerors to Elam, was recovered by Kurigalzu, king of Kardunias, when he conquered the palace of Susa in Elam, and re-dedicated "to Belit, his mistress, for her life." And on the other hand, a new, early Semitic king, Alusharshid, records how he carried off costly marble vases, and presented them to Bel from the spoil of Elam when he had subjugated Elam and Bara'se.
[6] Besides vases and a cylinder bearing the name of Naram-Sin previously known, the American expedition discovered two brick stamps of Naram-Sin, on which he was called builder of the temple of Bel. They were found (*l.c.*, p. 18) close to an inscription of Ente (men) na, a patesi of Lagash.

The opinion of learned Babylonians of that period concerning the early chronology of the country is no doubt deserving of respectful attention, but however much the wisdom of the Chaldees may have exceeded that of the rest of the world, we can scarcely believe that they conceived, *a priori*, the idea of a continuous chronological history of the whole country, while its cities were still in turn the capitals of rival or independent States, and no central power had reigned long enough to appropriate, as it were, the antiquities of its dependents. Astronomical records of a sort were doubtless kept from a very early time, and it is probable that inscriptions recording the victories and buildings of the kings were preserved in duplicate in public record offices.

But this by itself is not enough: the materials for history were preserved in ancient China by the institution of responsible historiographers, yet it was reserved for Ssema-tsien, a writer of the Han dynasty, to make out a chronology for the ancient monarchy, over 2,000 years after its history began. While time is measured by the reigns of kings or yearly eponyms on the one hand, and by astronomical periods on the other, it is almost certain that discrepancies will show themselves in the record, which after a time can only be dealt with by conjectural emendations; so that it is at least as likely as not, that the date given by Nabonidus was fixed by the imaginative learning of a Babylonian Ssema-tsien or Archbishop Ussher, rather than by really contemporary records.

The foundation stone which Nabonidus saw certainly bore no date, and until we know something more about the historical resources available from the eighth to the sixth century B.C., we must look upon such statements as possessing a totally different kind of value from that pertaining to the undated original monuments. It is notable also that Nabonidus counts by thousands and hundreds instead of by ners and sosses as Assurbanipal did, and as all really ancient Babylonian texts would have done.

The method of writing was the same for the decimal and the sexagesimal notation, the sosses, ners, and sars being distinguished by their place, exactly as tens, hundreds, and thousands are in the Arabic notation. Only a small single stroke marks the difference between the soss and the hundred, and the ner and the thousand; it would therefore be easy at any time for an ignorant or careless scribe, familiar with the decimal notation common to the Semitic nationalities, to copy 3 ners, 2 sosses as 3,200; while a careful one would be more likely to copy the former reckoning verbatim than to reduce it to a decimal expression by writing 1920.[1] If the correct date of Sargon was known, and that assigned by Nabonidus is too early, this is, to say the least of it, a possible explanation of the error; and on this hypothesis the date of his son would be about 2470 B.C. instead of 3750; or shortly before the close of the first Chaldæan dynasty of Berosus,

[1] The soss is 60 and the ner 600: the square of a soss is a sar (3,600). One text of Assurbanipal's inscription gives 1,535 years instead of 1,635, but the correctness of the latter figure is proved by its correspondence with the time as described in ners and sosses. The mistake shows that Babylonian scribes might go wrong in transcribing figures.

according to the rearrangement of his fragments, proposed by von Gutschmid.[1]

It is certain in any case that the chronology of Nabonidus resembled this list in the essential particular of including a period of about 2,000 years for which the numbers and duration of the kings' reigns are quite credible and natural, the average for 1,920 years being at about the rate of seven reigns to a century; while the duration of the preceding long mythical period has all the appearance of being fixed so as to make up an even number of sars, when added to the historical period.

Aristotle is said to have received from Kallisthenes observations made in Babylon as far back as 2234 B.C.,[2] that is about the end of the first historical dynasty in the preceding list, and the character of the monuments which are certainly earlier than Sargon is not such as to make it probable that their authors had yet arrived at the idea of writing history with dates. Comparatively modern kings are still content with such indications of time as are afforded by the well-known incidents of each reign, as if we dated all events, as we do some, *e.g.* the year of the Great Exhibition, of the Crimean war, the taking of Sebastopol, or the Indian Mutiny; and it may well be that when chronology was young, the years in which nothing very noteworthy happened, dropped out of the record, as the reigns of kings, who left no inscribed monuments, were apt to do in Egypt. The legendary importance of Sargon harmonises better with his position at the beginning of the period of historical records (*circ.* 2500 B.C.) than with the earlier date, according to which he would be separated by something like 1,500 years from the beginnings of history known to Assurbanipal, Berosus, and Aristotle. The appearance of his name and that of his son upon cylinders and other objects proves him to have been an historical personage, while the scantiness of his monuments is not surprising if he was the virtual founder of an important kingdom in Northern Babylonia. Two perfect brick stamps, a portion of a third, and three door sockets, bearing the name of Sharganisharali, which Hilprecht, Hommel, Sayce, and Tiele agree in reading "Sargon, king of the city,"[3] were found by the Pennsylvanian expedition. The former call him "King of Agade, builder of the temple of Bel," and one of the latter gives the name of his

[1] The list of the dynasties following the Flood as thus reconstructed is as follows:—

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1st Dynasty | 86 | Chaldæan | kings | reigning | 34,080 | years | |
| 2nd ,, | 8 | Median | ,, | ,, | 224 | ,, | from 2458 to 2234 |
| 3rd ,, | 11 | [Chaldæan | ,, | ,, | 258] | ,, | ,, 2234 ,, 1976 |
| 4th ,, | 49 | Chaldæan | ,, | ,, | 458 | ,, | ,, 1976 ,, 1518 |
| 5th ,, | 9 | Arabian | ,, | ,, | 245 | ,, | ,, 1518 ,, 1273 |
| 6th ,, | 45 | [Assyrian?] | ,, | ,, | 526 | ,, | ,, 1273 ,, 747 |
| 7th ,, | 8 | | ,, | ,, | 122] | ,, | ,, 747 ,, 625 |
| 8th ,, | | Chaldæan | ,, | ,, | [87] | ,, | ,, 625 ,, 538 |
| | | | | | Total, 36,000 years, or 10 sars. | | |

Ten kings before the Deluge are set down as reigning 432,000 years, or 120 sars.

[2] Other versions give the date 2231, 2243, and 2286 B.C., a variation in all of little more than half a century. (*Records of the Past*, N.S., vol. i. p. 11.)

[3] Hilprecht, *l.c.*, p. 15. Oppert, Menant, and Winckler suppose the whole title to form one name.

father, without the title of king, so that in the Semitic sense he might be regarded as a son of nobody, *i.e.* the founder of a dynasty. The inscription runs: "Sargon, king of the city, son of Itti-bel, the mighty king, king of Agade and of the dominions (?) of Bel, builder of Ekur, temple of Bel in Nipur."

If an historical hero and a legendary hero bear the same name, the most obvious supposition is that the legends gathered round the historical memory, and there seems at present no reason to seek for any other hypothesis in the case of Sargon. The mythical age of the Assyrian monarchy is contemporary with a period of Babylonian history illustrated by tolerably abundant contemporary inscriptions, and the kingdom of Sargon occupies an intermediate place between ancient Assyria and the primitive kingdoms and priestdoms of Sumer and Akkad.

History begins with the records of these latter rulers, and the only reason for giving precedence to the discussion of Sargon's date is that they are earlier than he, but otherwise undated. Their relative order may be fixed approximately by internal evidence and comparison; but if we yield implicit credit to the tablet of Nabonidus, we must suppose all the oldest monuments to be earlier than 3700 B.C.; while if the date there given was conjectural or based upon a confusion of sosses and centuries, they will only be proved in round numbers to be older than 2500 B.C. Provisionally, perhaps, it may be as well to entertain the latter hypothesis.

Hommel, who, like the majority of Assyriologists, accepts the earlier date, supposes the oldest specimens of Babylonian art to be about 1,200 years older than Sargon, and therefore to date from about 5000 B.C. The same interval calculated from the later date brings us to 3800 B.C. for the beginnings of Babylonian civilization; so that if we adopt alike for Babylonia and Egypt the shortest estimates of time possible in each case, we shall still find Babylonian civilization apparently the earlier of the two. The art, however, of the earliest Egyptian monuments is to the full as advanced as that of contemporary Babylonia, so that we are no more entitled to derive Egyptian civilization from the Euphrates than Babylonian civilization from the Nile. For the present all detailed results must be regarded as provisional, and the laity may be content to know, in general terms, that there are fragmentary materials for Babylonian history for 2,000 years or more before the age of continuous record-keeping begins, in the twenty-third century B.C.

For the period after that date, two lists of Babylonian kings, arranged in dynasties, have been found, which agree with one another in the passages that survive, and may quite possibly represent a version of the same original as that followed by Berosus.[1] There are still many doubtful questions as to the date of the various dynasties and the extent to which they may overlap, and it has been argued that the object of a third bi-lingual list was only to give the translation of the kings' names, and that therefore they may not have been named there in strict chronological order.

[1] Hommel, *Vor-Semitischen Kulturen*, p. 333. *Records*, N.S., i. 13 ff. *K.B.*, ii. 286 ff.

The most perfect of the two tables gives eleven kings of the first dynasty of Babylon, reigning 304 years; eleven kings of a dynasty of Sisku, reigning 368 years; then thirty-six kings of a Kassite dynasty, reigning 576 years (of these only half the names are preserved), the latter of whom appear identical with princes mentioned in the synchronous history of Babylonia and Assyria. The next dynasty is called that of Pasi, to which eleven kings, reigning 72 years, belonged. The names of all these kings were compounded with that of either the god Nebo or Merodach, and the Assyrian contemporaries of some of them are known. The next three short-lived dynasties included seven kings reigning in all 47 years. Then follows a dynasty of kings of Babel, their number and the duration of their reigns being uncertain; or else two dynasties, one of Babel lasting 31 years, and one before it, lasting ten or eleven reigns, and an uncertain number of years, ending B.C. 732.[1]

If the two tables are compared, there appears to be a discrepancy between the two totals of about 300 years, against which we have ten or twelve kings who must have filled the vacant space in one column of the list. Of course the Babylonian list takes no account of the forty-five Assyrian kings of Berosus, who were the ruling dynasty in Mesopotamia during the time allotted; but if they and the minor dynasties contemporary with them are omitted, the first four historical dynasties of Berosus give eighty kings reigning 1,175 years, while the three first dynasties of the Babylonian list give fifty-eight kings reigning 1,248 years. The average of Berosus is thus nearly seven reigns to a century, and that of the list nearly five: both are historically possible, but the average of Berosus is reached by putting together thirty-one kings of three different dynasties who reign 717 years, or on an average 23 years each, and forty-nine kings of Chaldæa who reign 458 years, or an average of 9 years each, and that at a period when the national records do not show a particularly rapid or disturbed succession. It may therefore be conjectured that the third historic dynasty of Berosus includes some contemporary Chaldæan dynasties, and that the period covered by the two lists does not go much further back than 2200–2300 B.C., or between two and three hundred years after the latest date that can be suggested for Sargon.

It will be remembered that the date 2285 B.C. is given by Assurbanipal for the successful invasion of Chaldæa by an Elamite king, Kudurnanchundi, and the inscriptions of that period include several by kings with Elamite names. Hommel proposes to transpose the two first dynasties on the Babylonian list, so as to make the Sisku kings correspond to the Median dynasty of Berosus, as otherwise the Elamite invasion falls in the reign of the famous and flourishing King Hammurabi (or Chammuragash), whose father it is desired to identify with Amraphel, the contemporary of Abraham. Kudur Lagamar, the Elamite king contemporary with the patriarch, being also named, Kudurnanchundi, the king of the inscriptions,

[1] Hommel (*Geschichte*, p. 173) gives good reason for supposing it to begin about 1034 B.C.

could not have reigned at the same time. This, however, is to lay rather too much stress upon the chronological accuracy of the book of Genesis. The identification of Chedorlaomer with the Elamite king need not be questioned, but it is more probable that the Hebrew editors of the Pentateuch learnt their ancient history from Babylon than that they carried about with them, through all their wanderings, a correct tradition as to the kings of Mesopotamia at a single distant period. And if so, we cannot revise the Babylonian records to suit a text presumably based upon them.

There is nothing irreconcilable in the conjunction of an Elamite invasion of the territory of Erech with the rule of a powerful sovereign in Babel; and there is nothing inconsistent with the rule of Hammurabi in the appellation of Median given to the first historical dynasty by Berosus. That king and his father ruled in Babylon, but their names are not Sumerian, most probably Kassite, and Kassite rulers might be miscalled Median as readily as the kings of the Sisku dynasty, whose names are also foreign. In any case the long reign of Hammurabi and the advanced civilization to which the deeds of his time bear witness, cannot belong to a later period than 1923–1868 B.C., and may be as early, if we follow the Babylonian list, as 2291–2236 B.C. It is in favour of the earlier date that the style of the contract tablets of Gamil-Sin and the early kings of Larsa is similar to that of Hammurabi.[1]

The reigns of Hammurabi and his son together cover ninety years. Four other reigns follow, sons succeeding their fathers and reigning together for ninety-two, probably peaceful, years, down to the twenty-second century B.C. Contract tablets from two out of the four reigns survive. From about 2100 to 1732 B.C., according to the Babylonian list, power was in the hands of the so-called dynasty of Sisku, of which we know practically nothing, except that some kings reigning during the period are probably omitted from the list. In a bi-lingual list, which gives the Semitic translation of Sumerian and Kassite kings' names, the names of the fourth, sixth, eighth, and ninth kings of the Sisku dynasty are given successively; but then, instead of the last two names of the dynasty —one of which at least called for translation—two additional names appear, a king, Lugal-gi-rin-na, or Sargon (commonly called Sargon II., since Sargon of Agade has been thrown two thousand years earlier), and a queen Azag-bau.

In the bi-lingual list these names are followed by that of Hammurabi and the last king but one of his dynasty, and then by several Kassite kings' names, and this order is one reason why Hommel makes the dynasty of Hammurabi come second. The surviving portion of the list, however, begins with four names not belonging to either of the early dynasties, and it is therefore difficult to treat it as an historical authority.

The duration of the Second Dynasty is given as 368 years, and as only

[1] For convenience of reference, a chronological table is subjoined (Appendix D), containing all the names and dates of the kings that are known or conjectured.

eleven kings are assigned to it, that gives the rather incredible average of $33\frac{1}{2}$ years for each reign: four of the reigns are of fifty years and upwards, and though this is not physically impossible, it is so far from probable that any direct evidence against either the length of the reigns or of the dynasty should be accepted. It is possible that when father and son reign respectively fifty and fifty-five years, the son was associated with his father during a part of the fifty, as Rim-Sin certainly was with Kudur-mabug, and in that case the total of 368 would be an inferential addition by some not too well-informed scribe. It is also possible that the dynasty included eleven legitimate and acknowledged kings, and that an interval of disorder, preceding the establishment of the next dynasty, was included in the 368 years if that period was fixed independently.

The next or third dynasty on the list, of which the name is illegible, included thirty-six kings reigning on an average sixteen years, so that there is no reason to suppose this to have begun later than about 1730 B.C. Before its close we begin to catch glimpses of the history of nations, instead of only a broken record of strange names.

## CHAPTER III.

### *THE ANCIENT CITIES OF SUMER AND AKKAD.*

In one of the Babylonian accounts of the creation, the beginning of all things is represented as the time before temples, trees, houses, and cities had been made: Nipur had not been built, Ekura had not been constructed; Erech had not been built, Eana had not been constructed; the Abyss had not been made, Eridu had not been constructed.[1] These three cities, with their temples, were named from of old before Babylon and Esagilla its great temple, called after that of Eridu. The oldest monuments, which have been found, are also plainly derived from a period when tradition can have known no greater events than the foundation of such cities.

The oldest specimens of Babylonian art consist of cylinders, without writing, engraved with spirited but quite barbaric animal figures: one cylinder, belonging to the patesi or priest king of a city, the name of which is uncertain, has been conjecturally attributed to the fifth, or fourth, millennium B.C. The earliest formulas of conjuration are also attributed to this almost prehistoric age,[2] after which there are still three periods of archaism distinguished, to each of which inscriptions belong. The earliest of these includes the records of the earliest known king of Lagash, one Ur-ghan or Ur-nina, say 4500 or 3300 B.C. Ghanna, which appears as an element in this name, signifies "fish." The king's fragmentary bas-relief shows his name and title and an eagle seizing a lion. Another smaller inscription names his father, who is not called king, and says he has built the dwelling-place Girsu; and a third enumerates the temples he had built—to two gods and four goddesses—his worship of his patron goddess, his erection of the city walls of Sirgulla and of the "house of the graver,"[3] and the making of vases, gates of bronze, and a statue of himself. If the "house of the graver" means a school for the instruction of scribes,—and it can scarcely have any other meaning,—this is probably the earliest mention of an educational endowment in any country of the world.

The so-called vulture stele—an inscribed slab, with outlines showing vultures preying upon human heads—belongs to the reign of this king's son; the inscription upon it is said to represent a high priest of the Sun-god

[1] *Journ. R. A. Soc.*, 1891, p. 394.
[2] F. Hommel, *Geschichte Babyloniens-Assyriens*, pp. 282, 291.
[3] *Ib.*, p. 286.

invoking blessings from the "spirit of the Sun-god" and the spirit of heaven and earth.[1] His name signifies "one who goes to E-Anna," an exact counterpart to the Egyptian idiom describing favoured ministers of the king or the gods. Another king of Lagash, who has left inscriptions, made canals and storehouses and built temples, especially a "temple of the number Fifty," and a "palace of the oracle of the god of Tin-tir," *i.e.* Babel.

The middle period of archaic art includes the first series of inscriptions by the patesis of Sirgulla, and begins, according to Hommel, about 4000 B.C. (or at latest, 2800 B.C.). He inclines to the belief that the title means "he who bears the graver," *i.e.* the scribe, and, since the priests were scribes, the priest; and conjectures that the kings of Sirgulla were succeeded by patesis when the kings of Erech and Agade obtained sovereignty over the rest of Babylonia. It is possible, however, that the word had not the associations of inferiority which we attribute to it, and that a priest king was a greater potentate than a king without priestly rank. The title of "supreme Patesi" is given to Marduk by Nebuchodorosor, and certainly none of the earlier rulers, bearing the name of king, can have possessed greater power or wealth than the patesi Gudea. A cylinder of this period shows the legend of Gilgames[2] already developed. Harder stones than the limestone used for the vulture stele and such fragmentary monuments now came into use. A threshold of black diorite was dedicated as a "valuable stone" to a goddess,[3] and progress had already gone so far that we meet with records of decay, for the inscriptions begin to speak of the restoration as well as the building of temples.

A few of the earliest monuments fall into groups, when the order of succession or genealogical relationship of the rulers commemorated is known for two or three generations. The chronological order of the groups and of the detached monuments is for the most part a matter of conjecture. A lady Ganoul, daughter of Ur-bau, patesi of Lagash,[4] offers an inscription for her own life and that of her husband, Nam-magh-ni, to the god Ningirsu, the powerful warrior of En-lilla, and another fragment gives a new patesi, Ur-nin-ghoul. Another patesi, E-anna-du, is son of Akurgal, also patesi of Lagash; and as this name is associated with that of the early king Ur-nina (so that either the name is repeated, or the rulers bear the title of king and patesi indifferently, which is far from unlikely), M. Heuzey suggests that pious kings used the semi-religious title in devout humility; and it is also possible that the royal power was really in a way shared, as in the sacred cities of Cappadocia, between royal and priestly colleagues.

Another patesi, Entena, who is son and father of an En-adda-du, men-

[1] Hommel, *Geschichte Babyloniens und Assyriens*, pp. 241, 288.

[2] This hero, whose adventures are narrated in the same epic as the story of the Flood, has for some years been called provisionally Izdubar or Gisdubar. For the above phonetic value of the character see *Bab. and Or. Record*, vol. iv. p. 264.

[3] *Gesch. Bab. u. Ass.*, p. 298.

[4] *Rev. d'Ass.*, iii. pp. 78–85. M. Heuzey reads Sirpourla; this may be the sacred, and Lagash the secular name of the city.

tions the temple of the number Fifty; one of the latter, also a patesi, is described as "nourished at the breasts of the sovereign of the mountains."[1] M. de Sarzec[2] gives another tablet of Urnina, king of Lagash, son of Nini-haldu, son of Gursar, neither of whom are called king, and adds, apparently, a fifth descendant of Ur-nina to M. Heuzey's genealogy of the line, which therefore stands :—

Ur-nina, King of Lagash.
|
En-anna-du I., patesi of Lagash, his eldest son.
|
Entena, patesi.
|
En-anna-du, patesi.
|
Entemena, patesi of Lagash,

called son of En-anna-du, patesi of Lagash, and descendant of Ur-nina, king of the same city. The obverse of his tablet contains a mention of "the house of fruits," and the fragmentary words, ". . . to the sixty houses . . ." Perhaps the explanation of this phrase may be discovered hereafter, in connection with that of a title, "Chief of the 600 of the country," met with in a document of much later date.[3] There are traces of a parallel line, in which a king Ur-nina is succeeded by Akurgal, king and patesi, and the latter by E-anna-du, king and patesi; but the relation between the two is not yet clear, and there is an early king, Uru-kha-ghi-na, independent of both, and perhaps earlier. Winckler[4] proposes the order King Ur-nina; King Akurgal, his son; King Ur-nina II.; Patesi En-anna-du, his son; Patesi Entena, his son; Patesi En-anna-du II., his son; an unknown Patesi Akurgal (of the vulture stele), and Patesi E-anna-du, his son.

During the whole of this pre-Sargon period, Lagash appears as the principal city in the land, our information being derived from the excavations of M. de Sarzec at Telloh, as the Arabs call the heap of ruins. It is, of course, possible that other unexplored mounds may still conceal monuments of equally startling interest and antiquity; but for the present we know of no earlier centre of government than this, situated on the eastern bank of the Shatt-el-hai and some distance to the north of Eridu. The site may be called central for Southern Mesopotamia, if we use that name to denote the country between Bagdad and the Persian Gulf on the one hand, and between the Tigris and the Palla-kopas Canal on the other. This region was broken up into various and varying kingdoms, but its history can and must, to a considerable extent, be treated as one. We cannot call the whole region Babylonia, while Babylon is still one town among many, and by no means always the chief, and yet a

[1] M. Jules Oppert, *ib.*, p. 86.
[2] *Ib.*, iv. pp. 146-9.
[3] *Documents juridiques de l'Assyrie.* MM. Oppert and Menant, p. 72.
[4] *Geschichte Babyloniens und Assyriens*, p. 328.

distinctive name is needed, for which Mesopotamia may serve, on the understanding that it is not taken, at this period, to include the upper course of the two rivers above Sippara.

The waters of the Persian Gulf extended much further inland 4000 years B.C. than now. The lower marshy course of the Euphrates would therefore be considerably shorter, while the immediate vicinity of the Tigris would remain comparatively unattractive, on account of the violent and uncertain floods of that river. We have seen that the ancient princes of Lagash dug canals, and indeed canalization is older than the written character to which we owe our earliest knowledge of the country, since one of the commonest ideograms and phonetic signs of the ancient language is derived from its practice. The channel of an immense canal, now filled with sand, is still visible near Telloh, and the completion of the Shatt-el-Hai itself probably represents the first great step towards carrying out the Babylonian system of irrigation, which consisted in leading the waters of the two rivers to cross and to unite.

We know nothing about the boundaries of the two ancient kingdoms of Sumer and Akkad, except that all the early rulers, whose authority was recognised in any way throughout Mesopotamia, hastened to call themselves kings or lords of both. It is also agreed that Akkad included north and middle Babylonia, and Sumer the south towards the sea. Eridu, Lagash, Ur, and Larsa belonged to Sumer, and Erech to Akkad. The southern State led the way, as the order in which the names appear is enough to show; the difference between the two is like that between Upper and Lower Egypt, save that in Mesopotamia civilization advanced most rapidly towards the Delta, and was derived by legend from the sea; while in Egypt history and tradition alike represent it as coming to life in mid-stream. The men of Akkad were highlanders, the men of Sumer dwellers in the plain. The speech of Sumer was called the sacred language or the language of nobles, that of Akkad was called the tongue of slaves or women.[1] Nevertheless, so far as it is possible to compare two imperfectly understood dialects together, both appear to belong to the same group, the Altaic, and the kingdom of Sumer and Akkad, as compared with the rest of the world, like Egypt with its double crown, forms a more than usually homogeneous unit.

In later but still ancient history, frequent mention is made of three districts in Mesopotamia, Kaldu, Kardunias, and Akkad, that is to say the land of the Chaldæans, Babylonia, in the narrower sense, and the

[1] Two ideographs, read *eme sal*, are translated by most Assyriologists "woman's language," and Hommel suggests as a parallel the co-existence of the literary Sanscrit with the vernacular Prakrit in India. But the Sumerians who talk about "women and men" would scarcely use the term "woman's language" as one of disparagement. No really plausible explanation of it has yet been suggested, and Dr. Bezold (*Proc. S.B.A.*, 1888, p. 17) may be right in maintaining that its real meaning is still unknown, and may perhaps have nothing to do with either "tongue" or "woman." If, however, the current interpretation is finally established, it will be difficult not to see in the term a reference to the importance of women, as it were, the "tongue of the people where women rule," as if the language of Lycia had been called "the tongue of the Amazons."

country immediately north of Babel, of which Sippara was capital. The time when Mesopotamia was divided only between the kindred, but rival stocks of Sumer and Akkad has left no trace except in the phrase which makes the command of both the symbol of supreme power. The differences between them must have been of purely tribal or provincial importance, for the religion, the literature, and the culture of Babylonia and Chaldæa, before the advent of the Semitic race, were so far identical that even the youngest of the two possessed such mastery over them as to dominate the advancing aliens, and to teach their rulers to covet no higher glory than to be kings of Sumer and Akkad.

It is even probable, notwithstanding the close association between the southern kingdom and the sea, that the founders both of Sumer and Akkad entered Mesopotamia by the same or a strictly parallel course. In Egypt and China the cardinal points are the same as in Europe, and follow what may be called the natural system, by which the speaker is conceived as looking towards the midday sun, so that the south is before him, the north behind, the west on his right hand, and the east on his left. In Babylonia, on the contrary, "The south is Elam, the north is Akkad, the east is Suedin and Guti, the west is Martu; on the right hand is Akkad, on the left Elam, in front is Martu, behind is Suedin and Guti;"[1] in other words, what is considered as the front lies south-east, the back is north-west; on the right lies the north-east, and on the left the south-west. The orientation of the ziguurats or storied towers, like a step pyramid, with a shrine for pinnacle, was carefully attended to, and it has long been noticed that the corners of such buildings in Babylonia face the cardinal points as the sides do in Egypt. Inattentive moderns who "change their skies" too often to retain a strong impression of any one aspect of them, are struck by the frequency in these early texts of references to "the four regions." But to primitive sages, whose chief intellectual interest lay in the contemplation of the heavens, the four regions of the sky were no less real than the corresponding notion, thence derived, of the four quarters of the world. The only sufficient reason why a people, who paid attention to the points of the compass, should diverge in this way from the common or natural usage, is for them to occupy a compact and limited territory lying in a direction corresponding to the shifting of the cardinal points.

A glance at the map will show that the Mesopotamia of Sumer and Akkad answers exactly to this description. The plain which stretches between the two rivers faces exactly south-west, and settlers entering it by the narrow neck by Sippara and Agade would have Elam in front of them, Syria on their right, and the mountain tribes of Guti[2] (the Goyim of the Hebrews) on their left. The second sentence in this tablet gives the cardinal points of Assyria, according to which the front is to the west and

[1] *Babylonian and Oriental Record*, Jan., 1888. "The shifted cardinal points from Egypt to early China," by M. Terrien de la Couperie, commenting on a tablet translated by Mr. Pinches in 1883.

[2] An inscription of one Lasi-rab (?) "the mighty king of Guti," was found by the Pennsylvanian Expedition. (Hilprecht, *l.c.*, p. 13.)

the south on the left hand, a view which finds its justification in the position of the city of Assur, which has its back to the Tigris at a point where the stream is flowing due south.[1]

The earliest names of States were taken from those of cities. Sargon and his son are called "king of the city," *sc.* Agade, and so is a prince Bin-gani, the son of a king of Agade.[2] The urban character of the earliest settlements is shown by the fact that a word, used in the formulas of conjuration and translated in the Assyrian bi-linguals by "man," really signifies "man of an enclosure," or townsman, man and citizen being synonymous.[3] The common ideographic name for the city of Erech (the modern Warka) signifies simply "dwelling-place," and settled, associated dwelling-places were undoubtedly the possession most characteristic of the men of Sumer and Akkad when their history began.[4] Erech, like Abydos, was a favourite burying-place, and for the same reason, as it stood on rising ground surrounded by low flats, which were habitually under water from March to November. That and Nipur are among the most ancient of the great cities of Akkad, but the importance of Ur, Eridu, and Larsa (supposed to be the Ellasar of the book of Genesis), as well as of Lagash, is perhaps older still. Independent rulers of Ur who have left important monuments were approximately contemporary with the later patesis of Lagash, of whom Gudea is the most illustrious. These monuments belong to the last or third period of archaic art, and are conjecturally dated by Hommel about 3000 B.C., *i.e.* about 800 years after the date assigned to Sargon. This estimate does not depend exclusively upon the chronology of Nabonidus, and it is not much too early to allow for all that has to find a place somewhere between Gudea and the historical dynasties of Berosus and the Babylonian chronicles.

The art of the age of Sargon is undoubtedly more archaic than that of Gudea, but a much less interval than 800 years might suffice to account for the difference, if we allow for two facts, that the land of Akkad was less advanced than that of Sumer, and that Sargon (Sargina or Sargani) was not even a man of Akkad, but a Semitic prince, as his name shows; so that the Sumerian culture, which he and his people possessed, was a comparatively new and second-hand acquirement. How much allowance should be made for this, it is no doubt impossible to say, and until a tablet is found, showing which of the rulers, whose names and places in the chronological series are already known, were contemporaries, opinions may differ as to the comparative date of Sargon and Gudea.

If the former flourished *circ.* 2500 B.C. and preceded Gudea, the in-

[1] So the Deccan (Dakhin = south or "right hand") is the district which invaders advancing eastward have on their right, and Arabia Felix that on the lucky (or right hand) side, looking from Egypt. The Egyptians themselves "*s'orientaient vers l'onest.*"

[2] *Gesch B u A*, p. 300.

[3] *Ancient Languages of Mesopotamia*, T. G. Pinches. *Journal Roy. As. Soc.*, 1884, p. 312.

[4] It is possible that the ancient cities, like Ur and Erech, were called the dwelling-place of the particular god worshipped in them, but even so the patron deity was thought of as domesticated because his worshippers were so.

terval between them must have been very short, for Gudea can scarcely have been later than the first Chaldæan dynasty of Berosus; while if Sargon was the later of the two, all the considerations which have led to the assumption of a period of 1,200 years between Sargon and the earliest monuments remain unimpaired, and Gudea would have to be placed between 3700 and 2500 B.C., and not earlier, considering the number of his predecessors, than 2800. There is thus less room for difference of opinion as to the date of the monuments of Gudea and his successors than as to that of Sargon, and as the literary texts relating to the latter prince exist only in late copies and translations, the history of the great patesi of Sirgulla may be narrated before the legend of the famous king of Agade.

The later patesis of Lagash reigning about or after 3000 B.C. are Urbau, or Ur-bagas (called Ur-ukh by George Smith), whose name is the same as that of a king of Ur, whose son Dungi almost rivals, in the copiousness of his inscriptions, Gudea himself and his son Ur-ningirsu. The monuments of Ur are supposed to be slightly later than those found at Telloh (Lagash), and Eridu is the only town of which separate mention has been found before this. Kings of Nisin [1] and of Larsa follow those of Ur, and if the later date suggested for Sargon of Agade should be confirmed, his chronological place would be after all of these. At present there are inscriptions of four or five princes of Lagash who call themselves kings, and of eight who bear the title of patesi. The city, or the territory was divided into four quarters, which are more frequently mentioned than Shirpurla-ki or Lagash itself, so that the Egyptian hieroglyph for town, which indicates a similar arrangement represents one of the common possessions of the two nations before their separation.[2]

The character of the inscriptions of this period is distinctively cuneiform; and art, as exemplified in the statues of Gudea and others found at Telloh, is highly developed. The portrait statues are scarcely inferior in realistic truth and vigour to the best Egyptian work of the ancient monarchy, which they resemble also in the intractable character of the material used, and in the ethnological type of the subjects represented. This type is described by all students of the monuments in substantially similar terms. Its general characteristics are "a shaven crown, round head, low but wide and straight forehead, slightly prominent cheekbones, profile orthognate with rather fleshy lips, and a big nose not aquiline, hair rather curly than wavy, probably medium stature." [3] It thus resembles the

[1] According to Hilprecht (*l.c.*, pp. 11, 28), the name of the king of Nisin (or Isin), read *Gamil* should be *Ur*-ninib, while the existence of a king Ibil or Inisin of Ur, which has been doubted since George Smith, is now confirmed. An inscription of a new king, Bur-sin I., contains the titles "powerful shepherd of Ur, restorer of the oracle tree of Eridu, the lord who delivers the commands of Erech."

[2] A. Baillet, *Recueil de Travaux*, xi. pp. 31–36, has adduced some evidence to show that these quarters had a real significance in the municipal organization of Egypt. A Thirteenth Dynasty Nofer hotep is called "chief scribe of the circumscription (or *arrondissement*) of the south quarter of Abydos." And besides the title of "chief of the quarter," or *quartenier* of the city, there are chief *quarteniers* named.

[3] G. Bertin, *The Races of the Babylonian Empire. Journal of the Anthropological Institute*, November, 1888, p. 105.

sturdier, quasi Caucasian type exemplified in Egypt by the Sheik el Beled and Ra-hotep. The features approach much more nearly to the Caucasian than to the Tatar or the Semitic type; but the combination of fairly fine and regular features with extreme *bullet headedness* is not met with at any later period as a characteristic of a whole people. Individuals of the type are common enough in all mixed races, and in Mesopotamia, from the earliest times, all classes of the population were more or less mixed.

The intrusion of Elamite and Semitic dynasties modified the features of the rulers, while the descendants of the ancient princes mingled with the coarser types both of the indigenous population and the invaders. In all western nations the mingling of classes in addition to the mingling of races has been going on so long that specimens of every type may be met with in every class. The monuments of Assyria and Babylonia seem to show that there was more resemblance between members of the lower classes, whether Elamite, Sumerian, or Semitic, than between the specimens of the ruling class of each type. The common feature is a retreating forehead, which, joined with a prominent nose, makes the line of the upper part of the face continuous, like a parrot's beak. It might have been doubted whether, in the case of the Telloh remains, the early artist meant to represent the common soldiers or prisoners as having a lower type of countenance, or whether they were simply drawn with less care. But the beak-like profile resembles so closely that of Hittites, North Syrians, and the men of Askelon on the Egyptian monuments of Rameses II., where there is certainly no want of skill, that it probably represents a real type. In later Babylonian and Assyrian art, as in that of Egypt, all the figures are finished with equal care and skill, while on the oldest cylinders of all, the features of kings and gods are caricatured, quite as naively as those of the common people in the Telloh remains.

An inscription of the patesi Ur-bau, upon the gate of a temple, refers to the "place of decision" or "judgment,"[1] as if justice were done in the gate of the temple. The art of fortification was already invented; the principle of an indented outline, with advanced angles of which any two command doubly the recess between, is clearly illustrated in the plan of a fortress traced upon a tablet, which lies on the knees of one statue of Gudea,[2] while another shows his style for writing (so that the title "he who bears the graver" would not be inappropriate), and a rule marked with divisions. He built a palace for himself, and built and dedicated several temples. He boasts of conquering Elam, and dedicating its spoil to the god Ningirsu in the temple of the number Fifty. There were either no kings or none of importance at Agade in his time, so that if a Semitic dynasty had already reigned there, its power must have vanished.

The inscriptions of this period mention something like twice as many temples to goddesses as to gods, and a very remarkable expression is applied in one of Gudea's inscriptions to the goddess Nin-narsag. Gudea,

[1] Hommel, *G.B.A.*, p. 314 and *n.* 1.
[2] Reproduced by Hommel, p. 332.

the patesi of Sirgulla, he tells us, built a temple in his town of Girsu "to his lady, the protecting goddess of the city, the mother of its inhabitants," or more literally, "the mother of the children of her, of the town."[1] If this version by the late M. Amiaud remains unchallenged, it would appear that the patron goddess of the city is identified with the city itself, or rather, perhaps, the "spirit of the city" is deified and worshipped. In ancient Egypt the existence of a temple sometimes preceded and prompted the foundation of a town. But the ancient religion of Mesopotamia, in which the leading idea is to adjure the spirit of heaven and to adjure the spirit of earth, might very naturally recognise, as the Chinese have always done, a third power, namely the spirit of humanity, of man the citizen, the dweller in enclosures,—and associate its most personal and potent deities with these civic communities. The ancient king is king of the city, and the ancient god is god of the city, as the primitive mother, "the enlarger of the family," is the god of the house. The house and the town are the twin pillars of the primitive domestic civilizations.

Gudea's power extended far beyond the city where he resided. His ships brought products of all kinds from "Magan, Miluch, Gubi, Nituk," and other lands; "from the sea on the front side of Elam to the lower sea his foot travelled;" he fetched cedars from "Amanum, the mountain of cedars, and woods and stone," copper and gold, etc., from other mountains. Hommel supposes this traffic to have been carried on along the Euphrates as far as Carchemish; that the cedar for shipbuilding and other purposes was obtained from Lebanon, and that the lower sea mentioned was therefore the Mediterranean; but that the hard stone and diorite for the temples and statues came from the heights bordering Babylonia and the Arabian desert. Oppert and Amiaud, on the other hand, regard Magan as the Sinaitic peninsula, and Gubti (=qubti) as Egypt. Amiaud's translation of the same texts makes Gudea boast that by the power of the gods various countries, rich "in trees of every species, have sent him ships laden with all sorts of trees," and that "Ningirsu, the lord beloved of him, has forcibly opened for him the roads from the sea of the highlands to the lower sea."

Amiaud understands the lower sea in the obvious sense, as the Persian Gulf, but supposes the sea of the highlands to be the Mediterranean, a term which seems as inappropriate to it as the "upper sea" is to the Persian Gulf. If the Persian Gulf is the lower sea, the only real sea of the highlands which we can suppose Gudea to know of would be one of the Armenian lakes. Later kings of Nineveh constantly invaded the land of Nairi, and knew both its lakes; and even if Gudea was a less powerful prince than Tiglath-Pileser, his geographical knowledge may have reached as far as the latter's conquests in this direction. This is the more probable as the population of Mesopotamia must have been recruited in part from these or the adjoining highlands.[2]

[1] *Records*, N.S., ii. 75. This inscription is not given in Schrader's collection.

[2] Mr. Boscawen suggests (*Bab. and Or. Rec.*, Sept. 1893, p. 7) that the "mountains of Menua" (*Gudea, B.*, vi. 4) may be connected with the name Menuas in Vannic inscriptions, and point to the neighbourhood of Armenia.

The historic probability of either view will turn upon the relative age of Gudea, and of those kings of Egypt who worked the mines of Magan, and brought stone from its hills by boat down the Red Sea to the port of Koptos. Amiaud supposes Gudea to have flourished after the Sixth or last Dynasty of the ancient monarchy of Egypt. The mines and quarries of Sinai were worked in the Third Dynasty, if not before, and there is no difficulty in imagining the same point to be reached by Sumerian vessels, if we suppose the Egyptians themselves to have reached Egypt by rounding the Arabian peninsula. The half-way house established on the same route in South Arabia and the Land of Punt must have contributed to keep the route open; and the recent researches of Dr. Glaser,[1] which carry the history of the Minæans back to *circ.* 2000 B.C., do away with any hesitation that might be felt in assuming, upon merely circumstantial evidence, that an important Hamitic colony was settled so early at this point. Such evidence was afforded by the Egyptian legends of the Land of Punt, and by the character of Yemenite civilization; but the chief reason why we should expect to find such a colony of even prehistoric antiquity is because such a link is necessary to connect Egyptian and Babylonian civilization.

Wherever a great block of diorite could be transported, emigration upon a national scale could certainly take place. If the Egyptians entered Egypt by the Red Sea, Gudea might import diorite by the same waters from Sinai; and conversely, if an early Babylonian prince could send his ships so far for an article of luxury, men unencumbered with such merchandise might easily accomplish the shorter journey to Kopt or Kosseir. And the same argument would apply if we suppose the prehistoric men of Punt to have been the intermediaries between Sinai and the mouth of the Euphrates.

The sea on the front side of Elam must certainly be the Persian Gulf, as the cardinal points appear by the orientation of the oldest buildings to have been the same as in the tablet quoted above. But it is less certain that the "lower sea" must represent the Mediterranean. The routes across the desert were not the first to be opened, and so long as the Mediterranean was naturally approached from Mesopotamia by a journey *up* the Euphrates, it could scarcely be regarded as the lower water in comparison with the Persian Gulf. This name would be at least equally appropriate to the Red Sea, the first step towards which is a longish voyage southward and forward, according to Babylonian phraseology, in the same line as that of the Euphrates. The Assyrian kings distinguish the lakes Van and Urmia as the upper and the lower lake of the Nairi lands, and the northern and southern tributaries of the Tigris as the Upper and the Lower Zab, showing that the words have what we should consider their natural sense; and in a passage where the upper sea of the setting sun is mentioned, the reference is evidently to the northern part of the Mediterranean approached from the land of the Hittites, in contradistinc-

[1] *Skizze der Geschichte Arabiens von den ältesten Zeiten bis zum Propheten Muhammad.* See *post*, Book III. chap. viii.

tion to the part of the same sea, reached through the land of Canaan or Southern Palestine. And though two possibilities do not prove each other, two probabilities, which would confirm each other if reduced to a certainty, do gain in strength by every accession of evidence in favour of either one. Provisionally, therefore, it may be regarded as at least possible that Gudea's ships traded round Arabia as well as up the Euphrates.

A little ornament in the Hague Museum bears an inscription which has been translated as follows: "Gudea patesi of Sirgulla dedicates this to Gin-dung-nadda-addu,[1] his wife." The lady's name is interpreted "maid of the god Nebo," and it is conjectured that he may have reigned in her right. The most archaic texts in the ancient language of Mesopotamia are remarkable for the precedence given to the female sex in all formulas of enumeration. "Goddesses and gods, women and men," are always mentioned in that order, and we should therefore expect to find earlier notices of women in the monumental record of Babylonia than even in Egypt. There is an old Babylonian statue of a woman, not a goddess; alone, not, as is so common in Egypt, in a group with husband and children, or husband only; and the existence of such a monument is a strong proof that the wealth of the period might be possessed by women in their own right.

The special reason for imagining Gudea to have reigned as his wife's consort is furnished by the inscription in which he says of himself: "Mother I had not; my mother was the water deep. A father I had not; my father was the water deep. Dunziddu, the man who turned his eye upon me, and so prolonged my life . . . "[2] The passage is obscure, but it certainly sounds like a variant of the legend of Sargon and the water-man Akki. There is another early patesi whose name is unknown, and it is a significant fact that the earliest rulers of Sumer and Akkad boast of their unknown parentage, while in later Assyrian inscriptions, "Son of nobody" is a favourite term of contempt used in designating usurpers.

If the ancient race was in the habit of making daughters the heiresses of property and power, the king consorts would be chosen (like the husbands of Basque heiresses) for their personal qualities, not their birth; while a great ruler, whose parentage was in no way illustrious, would prefer to leave his origin unknown, that loyal imaginations might suppose it to be divine. Gudea was succeeded by his son Ur-ningirsu, but this is not inconsistent with inheritance through women, as the son may inherit from his mother, even when his father is not counted in the family at all. Two Akkadian kings have names which would not be inappropriate as the titles of a consort: "Oh, Merodach, as a comrade spare her," and "May Bau vivify her womb;" and the phraseology of religious texts confirms these indications that the earliest usages of Mesopotamia went even beyond that of Egypt in exalting the place of women in the family.

Ur, the modern Mugheir, which is remarkable as the only city of ancient Babylonia situated to the west of the Euphrates, is supposed to have been

[1] *K.B.*, iii. 1, p. 65, Gin-umun-pa-ud-du. [2] Hommel, *Geschichte*, p. 320.

founded somewhere about 3000 B.C. Sin, the moon-god, was its patron deity, and throughout the history of Babylonia it remained famous as the seat of his worship. It has even been suggested that the ancient name of the god may have been derived from the city, if the name of the city was not derived from the god.[1] Urbau,[2] who built the temple of the moon and at least two other edifices at Ur (one of which was a zigurrat, or tower in stages), must have been one of the most powerful and energetic of the kings of Sumer and Akkad, for the bricks and tablets bearing his name are, still, more numerous than those of any other Babylonian monarch except Nebuchadnezzar, though they are now met with mainly in the foundations of buildings erected by later princes. He calls himself king of the city of Ur, as well as king of Sumer and Akkad, and his other favourite titles were "the powerful man," and "the eldest son of Bel his king." He founded Larsa and built a temple at Erech, and at Sirgulla or Lagash, the patesis of which now seem to have acknowledged the authority of Ur. A cylinder represents him with shaven head and beardless face, like the statues of Gudea. No remains of his have yet been discovered at Telloh, but those of his son Dungi are plentiful there.

Dungi completed a temple begun by his father, which Nabonidus restored, and himself restored the temple of the number Fifty, of which mention has been made before. We have a cylinder dedicated to him by the son of a patesi of Sirgulla, who apparently had not inherited his father's office; while a patesi of Nipur, who had done so, bequeaths a cylinder which represents him as pouring a libation to a god. He built the "great wall" of Eana, and a temple treasure-house in Girsu, and his name is found on a duck-shaped weight of twelve minas.[3] Another tablet in honour of Dungi bears a name of its own: "I will live in the protection of the king's grace,"[4] for the Egyptian habit of giving proper names to things, as a means of declaring their quality, was shared by the Babylonians. Canals and particular gates of a temple, to which such names are given, might of course be named merely as a matter of convenience and for identification, but no such motive will account for the naming of a merely commemorative tablet or of a statue, like that which Gudea calls, not by the proper name of the goddess to whom it was dedicated, but at length, "Goddess who fixes the destinies of heaven and earth, Nintu, mother of the gods, prolong the life of Gudea, the builder of the temple."[5] In the legend of the creation, the preceding chaos is described as the time when "the heaven above had not yet announced, or the earth beneath recorded a name,"[6] and this sense of the almost creative power of words is closely connected with the mental idiosyncrasies which made the men of Sumer and Akkad the first and perhaps the most consistent of realists.

The next inscriptions met with are those of some kings of Nisin, be-

[1] Hommel, *Vor-Sem. Kult.*, p. 205.
[2] Or Ur-bagas, Smith's Urukh.
[3] *K.B.*, iii. 1, 81, 3.
[4] *Geschichte B. u. A.*, 337.
[5] *Records*, N.S., ii. 76. "Bur-sin is the beloved of Ur," is the name of some object dedicated by the King of Ur of that name. *K.B.*, *l.c.* 89.
[6] *Records of the Past*, N.S., vol. i. p. 133.

tween 2700 and 2500 B.C., or thereabouts. One of these, Ismi-dagon, whose inscription was found at Ur, calls himself king of Nisin, and of Sumer and Akkad, and "husband of the love of the goddess Ninni" (Istar). He was succeeded by his son, and the various inscriptions of these kings show that they claimed authority, in some form or other, over all the principal cities of Mesopotamia. Thus one Gamil-nindar, or Ur-nindar, calls himself also, "Shepherd of Nipur, captain of Ur, guardian [1] of the sacred palms of Eridu, and gracious lord of Erech."[2] Libit-adar, with similar titles, claims to have restored the "house of night" for the goddess Nindar, to whom a hymn is addressed by another king: "Among the queens thou only art lord." Kings of this dynasty seem generally to have called themselves the beloved or chosen spouse of this goddess (Istar). The son of the last of these kings of *Nisin* builds a temple to the long life of the king of *Ur*.[3] Slightly later, say 2300 B.C., other kings of Ur, Gamil-sin and Amar-sin, take the title of king of the Four Regions, and contract tablets dating from their reigns are still in existence.

Somewhere in the interval between the first and last group of the kings of Ur, a king of Erech reigned, according to Hommel before 2300 B.C., who has left inscriptions, in which he describes an endowment in honour of his god and mother, the erection of a palace, which has been partly excavated, and the restoration of a temple to the goddess Istar.

Historical inscriptions were collected in private libraries as well as by the later kings, and the abundance of such material may be gauged by the accidental appearance of a copy of an inscription of this ancient king. The inscription is to the following effect: "Singashid, king of Erech, king of Amnanum, and nourisher of Eana, to Lugalbanda his god and Ningal his goddess. When he built Eana, he erected Ekankal, the house which is the seat of the joy of his heart. During his dominion he will endow it with thirty gur of wheat, twelve mana of produce (?), eighteen qa of oil according to the tariff[4] and the shekel of gold. May his years be years of plenty." To this is added a colophon in Semitic Babylonian: "Copy of the tablet of *usu* stone, the property of E. which N., son of Mitsirâa (*i.e.* the Egyptian), has written."[5] In a land where such records were preserved out of disinterested curiosity or love of learning, the official annals, if they had only reached us in a complete form, might have been relied on almost implicitly.

The later kings of Ur and those of Nisin bear Semitic names, and their inscriptions present some peculiarities which have caused their language to be called "New Sumerian." Those of the kings of Ur who call themselves kings of the Four Regions, do not claim the title of kings of Sumer and Akkad; and in fact, through the greater part of the earliest history of

[1] *K.B.*, *l.c.*, 85, "Conjuror."
[2] Hommel, *G.B.A.*, p. 338.
[3] *G.B.A.*, 340. *K.B.*, *l.c.*, 87.
[4] *K.B.*, *l.c.*, 85, "nach dem Preise des Landes."
[5] *Records*, N.S., i. 80.

Mesopotamia, the country seems to have been divided into provinces, perhaps about the size of the Egyptian nomes, and consisting, like them, of a capital city and the surrounding territory. Successful local kings annexed or built additional towns, or exercised a kind of protectorate over the cities which alternated with their own in supremacy. If all the cities of Mesopotamia acknowledged the superiority of such a prince, he called himself the king of Sumer and Akkad; and if all the cities in his immediate neighbourhood did so, he claimed the vaguer title of lord of the Four Regions. But we do not find in historic times any tendency to group the cities of Sumer round one capital, under a single king, and those of Akkad under another. The city was the most permanent unit, and even the greatest king was only king of the city in his own capital; but the national unit, so far as such a thing existed, embraced the two stocks or tribes of tradition, and the only really national kings were those who ruled over both.

During the first dynasty on the Babylonian list, some kings of Ur, Larsa, and Erech seem to have reigned independently of the northern dynasty. Erech, we know, suffered during this time from an Elamite invasion, and it has been suggested that the expulsion from the land of an Elamite tyrant, Chumba-ba, by Namrassit, king of Erech, described in the deluge epos, may be founded upon historical facts of this time.[1] On the whole, the most probable date for Sargon of Agade may be conjectured to lie somewhere between the reign of Dungi and the other early kings of Ur, and the first kings of Nisin, whose names betoken a Semitic origin. Even in the monuments of Gudea, there are two distinct ethnological types represented, like the two in the earliest Egyptian monuments, the Sumerian which has been already described, to which the kings belong, with round heads, generally shaven, and projecting cheekbones; and a long-headed type, with long hair and beard, approximating rather to the Arab than the Aramæan branch of the Semitic family. A Semitic inscription of Dungi's has also been discovered, and it must be taken as certain that even the early, purely Sumerian kings had some Semites among their subjects.

The most sceptical of Assyriologists could scarcely improve upon the picture of this class and its relations to the settled inhabitants of the country given in the story of Abraham in the book of Genesis. Pastoral, nomad tribes of this race probably wandered over all the uncultivated parts of Mesopotamia, and gradually adopted, with a few characteristic differences, the social, commercial, religious and literary conceptions of their neighbours. Civilization converts the nomad more easily into a merchant than into an artizan, or an agriculturist; and as the profits of trade depend upon the prosperity of customers in every region, the growth of the Semitic population contributed to increase the vicissitudes of fortune experienced by the kingdom of Mesopotamia, as well as to extend the area of alliances and conquests.

The Sumerian king of a city stays at home and builds, and the submis-

[1] *G.B.A.*, 342. Jensen (*W. Z. f. d. K. d. M.* 1892, p. 58) proposes to connect Chumba with Haman, in the book of Esther.

sion of one city to another seems to have been a purely voluntary act. The Semitic leader of a tribe, on the other hand, aimed at conquest. The warriors of the tribe were easily transformed into an army, which fought for the possession of cities it had not built, as the tribe strove for access to the wells and pastures it required. Finally, while the Sumerian god of the city was a benignant and pacific spirit, of whose nature the paternal city king was a reflection or reproduction, Semitic religion wedded itself to the warlike passions of the people, and the most ferocious of the Assyrian kings gave the praise of victory to their god Assur after every destructive and sanguinary conquest. The foundation of the Assyrian monarchy may be taken as marking roughly the transfer of political supremacy, from the mixed population of Sumer and Akkad, to the race in which the Semitic element was predominant; but the encroachment of the latter was gradual, and may have begun with the reign of Sargon.

This king's name is frequently mentioned in astronomical and omen tablets, but the two principal documents relied on for his history are, first an autobiography derived only from a new Assyrian copy in Assurbanipal's library, and, though, no doubt, translated from some Sumerian original, evidently of a semi-mythological character; and secondly, a document generally described as the Annals, or more accurately the Omens of Sargon and Naram-sin. The first of these texts is given as follows by Sayce and Hommel: "My mother was a princess, my father I knew not, the brother of my father dwelt in a mountain. In the city Azupirani, on the banks of the river Euphrates, my mother, the princess, conceived me; in a secret place she brought me forth. She laid me in a basket of reeds, with bitumen its mouth she closed. She gave me to the river which drowned me not (did not change itself over me, Hommel). The river carried me along. To Acci the water-drawer[1] did it bring me. Acci the water-drawer in the goodness of his heart lifted me up. Acci the water-drawer as his own son nurtured me. Acci the water-drawer as his gardener made me, and in my gardenership did the goddess Ishtar love me. (I became king, and for forty-five) years I exercised royal sway. The men of the black-headed race I governed. Over rugged mountains (difficult paths, H.) in chariots of bronze I rode.[2] I governed the upper mountains. I ruled the rulers of the lower mountains. To (the sea coast?) three times did I advance. Nitukki I subdued, Durili the great bowed itself. When a king who comes after me rules the blackheaded people . . ." and performs the other exploits above enumerated, what will occur remains unknown, as the rest of the tablet is wanting.[3]

The majority of Assyriologists seem disposed to treat this text as a translation of an original document having the same authenticity as the avowed copies of the inscriptions of kings like Singashid and Agukak-

[1] Winckler, *K.B.*, iii. 1, 101, "Der Wasserausgiesser," a pourer of libations, *i.e.* a priest, the association of ideas being the same as in the Egyptian *neb*. See also his *Geschichte Babyloniens und Assyriens*, p. 30. Sayce has "Akki the irrigator."

[2] *Ib.*, "The mighty ones . . . with axes of bronze I . . ."

[3] Hommel, *G.B.A.*, 302. *Hibbert Lectures*, pp. 26, 7.

rime. Hommel identifies Nitukki with Dilmun, the island in the delta of the two rivers, and Durili with a border city of Elam, and argues plausibly that the claim to such modest conquests as these is more likely to be historical than the boastful pretensions of the Omen tablet. Still, as a matter of internal evidence alone, the narrative has several suspicious features. Ancient Sumerian kings professed to be of unknown parentage and claimed goddesses as their wives, and in addition to these local traits, the story of the predestined king, who is exposed in his youth and brought up in obscurity by humble foster parents, has been told in too many times and places for it to be easy to accept even the earliest version of it as historical. The love of Istar for a gardener is also a matter of classical tradition, and it would be too much to suppose the goddess to have had entanglements with both a real and a disguised "giver of greenness to what lives." The text no doubt reproduces the ancient legend respecting the birth and parentage of Sargon, and there would be no intentional falsification of documents, whenever the familiar legend was thrown into the usual autobiographical form, to complete some classic "Book of Kings" for the use of students.

M. Terrien de la Couperie has endeavoured to identify some of the names in the Sargon legend with those in the Chinese account of the mythical emperor Shinnung, but in substance the resemblance is greater with the story of How tseih, one of the legendary ancestors of the Chow dynasty. His mother's name is mentioned, and his birth was miraculous; for the rest "he was placed in a narrow lane, but the sheep and the oxen protected him with loving care. He was placed in a wide forest where he was met with by the woodcutters. He was placed on the cold ice, and a bird screened and supported him with its wings."[1] The "shoes with iron spikes" used by the great Yu, in the course of his hydraulic achievements, sound like a reminiscence of some imperfectly understood tradition as to the first use of metals, and as "rugged mountains" are the last place in which it becomes possible to "ride in chariots of bronze," the passage is an argument against the authenticity of the record. The historical kings of Assyria "climb like a wild ox" when invading the upper mountains, and their chariots are drawn after them with cords, and even if chariots of bronze were in use at all in the age of Sargon, we may be sure that passable roads were not more numerous or carried further into the mountains than three ners later.

The mention of the "black-headed races" would be interesting if the document were really contemporary, but its use in Akkadian hymns is too frequent for it to be otherwise than primitive.[2] Hommel considers it to

[1] Legge, *Chinese Classics*. *Shi-King*, vol. ii. p. 468. The conclusion is more purely Chinese: "when the bird went away, How tseih began to wail. His cry was long and loud so that his voice filled the whole way. When he was able to crawl, he looked majestic and intelligent. When he was able to feed himself, he fell to planting large beans."

[2] Gula (a name of the goddess Istar) is invoked as "mother, begetter of the black-headed race," and in a hymn to Merodach "mankind, even the black-headed race, all

apply to the Semites, but the first Semitic king of Mesopotamia would have more reason to boast of ruling over the settled inhabitants of that country than over his own kinsfolk, who have never at any time made special boast of this feature as a note of superiority to light-haired neighbours. On the other hand, the Egyptian monuments show us men of unquestionably Semitic features with fair complexions, while even among the modern Arabs, brown hair and blue eyes are not absolutely unknown, and, what is more remarkable, are rather admired and considered "lucky." The contrast between this view and the Chinese feeling, according to which red hair and blue eyes are monstrous, ogre-like features exciting terror and disgust, would almost by itself suffice to show that the black-headed people must have belonged to some other stratum of the population than Sargina himself.

The "upper mountains" which the speaker claims to have governed, must be those of Armenia, while the "rulers of the lower mountains" whom he ruled, would be the kings of Elam and Susiana. This statement would be more nearly true of late Assyrian kings than of any of the ancient rulers of Sumer and Akkad, and so far it gives a presumption in favour of a late date for the composition of the text. It might, however, fit some intermediate period, during the centuries as to which we have practically no detailed information, but the fragmentary concluding passage seems to show that the record was meant to serve in some peculiar way as a portent, and that accordingly both Sargon tablets have less to do with history than astrology.

Perhaps the continuous recording of celestial and terrestrial events together began with the age of Sargon, or the oldest recorded portents may have been associated with his name; and any reason of this kind would be sufficient to account for his name being used in a list of ancient omens, where analogous Chinese texts speak generically of the Son of Heaven. Each paragraph in the so-called Annals begins with a statement as to the moon's position, of which the meaning can be only guessed at; this is called an omen or a "decision for Sargon," and is followed by what look like fragments of historical statement, and yet are not at all like passages from a contemporary, archaic chronicle. The following passage, which has been taken to prove that Sargon's power extended as far as Cyprus, may serve as a specimen: "The moon was favourable to Sargon, who, at this season, was exalted and had no equal.[1] His own country was at peace. Over (the countries) of the setting sun he crossed, and for three years at the setting sun . . . his hand conquered. Every place to form but one (empire) he appointed.[2] His images at the setting sun he erected. Their spoil[3] he caused to pass over into the countries of the sea."[4] A similar preface introduces the statement that

living souls and the four quarters of the earth" come next before the angel hosts of heaven and earth acknowledging the god. (*Hibbert Lectures*, pp. 79, 99.)

[1] *K.B.*, *l.c.*, 105, "His dread over the land [he shed]."

[2] *Ib.*, "He united." [3] *Ib.*, "Their captives." [4] *Records*, N.S., i. 37.

Naramsin "marched against and seized the country of Maganna." Apart from the lunar omens, the style bears much more resemblance to the diffuse retrospective narratives of the later Assyrian kings than to the meagre annals of which we have a specimen in the Babylonian chronicle. Future discoveries may clear up the obscurest points, and till then any opinion about these texts must be held provisionally.[1]

The astronomical work mentions kings of Ur, whose land is to be invaded; and a variety of hymns, judged by their language to belong to this period, may be interpreted as laments, like those of the Hebrew prophets, over the sufferings of the people; one of these refers to the enmity of Elam.[2] But of course all inferences from these sources are mainly conjectural, and with regard to the astronomical work in particular we need more information as to its real purport before its allusions can be relied on. The Hittites are mentioned in it as an important power, as at this time, but it is impossible to tell whether the passage is a later addition.

Inscriptions have been found of Nur-ramman, who calls himself king of Larsa, and shepherd of Ur; and of Sin-idinna, upholder of Ur, king of Larsa, and of Sumer and Akkad,[3] and there may have been others of about the same period, perhaps towards 2100 B.C. Hommel's account of this age is based on the assumption that the two first dynasties on the Babylonian list should be transposed. By following the list we should find an Elamite dynasty in Larsa at the date assigned to Kudurnanchundi's trophy, and could thus regard the kings of Larsa just mentioned as having succeeded these aliens. It would also be consistent with a state of hostilities between Elam and Mesopotamia that the inscription of Mutabil should belong, as Hommel suggests, to the reign of the second king of this dynasty. The characters are almost as archaic as in the inscriptions of Gudea, so that they could not be much later than the fourth ner B.C., and the substance is rather exceptional. Mutabil was governor of Badanna (or Durilu), a border fortress of Elam, and boasts of the destruction he wrought in various towns, and the slaughter of the chiefs of Northern Elam. In later times Southern Babylonia and Western Elam formed a district known as the land of Mutbal, a name which might

[1] It is much to be desired that the fragments of ancient astrological texts preserved in the Chinese classics should be studied concurrently with those of Babylonia, first because any points of resemblance found in them would confirm the presumption already raised in favour of a common origin for the black-haired and the black-headed races, and secondly because, in a number of parallel passages, it is certain that the obscurities will not always lie in precisely the same place, so that the Chinese and the Sumerian riddles may in turn provide a key to each other. (Cf. *Hibbert Lectures*, p. 70.) A calender tablet ascribed to the age of Hammurabi enumerates what the king must not do on given days, and among other holy days mentions "The day when the spirits of heaven and earth are adored."

[2] Hommel, *G.B.A.*, p. 344 ff.

[3] *K.B.*, *l.c.*, 91, 3. This prince boasts of the broad, never-failing canals which he made to bring the water of fruitfulness and abundance (or *superfluity*) to the city of his land, wherein he caused men to dwell in peace, and to frequent the markets which he adorned there, in truth founding "for distant days the fame of his kingdom in the land."

possibly be derived from this ruler, like the Bit Jakin in the same region of the later empire.[1] No cities of capital importance were situated in this province, and when there is no city, the district takes its name from the officer, who would be lord of the city if there were one.

It is at this time more than at any other that one might imagine the old distinction between the kingdoms of Sumer and Akkad to apply. Akkad acknowledged the dynasty of Babel, while Ur, Larsa, and the land of Mutbal were governed by at least three generations of Elamite kings, namely, Simtishilshak, who from the appearance of his name in the inscriptions, probably held rule himself, Kudur Mabug his son, and Rim-sin,[2] the son of Kudur Mabug, who appears to have been associated with his father in the kingdom. An inscription for the long life of father and son describes the former as father of Ja Mutbal (the land of Mutbal), shepherd of Nipur, guardian of Ur, king of Larsa, king of Sumer and Akkad, titles which are evidently given in order of their importance. There are two inscriptions of the same sort, made by the son during his father's life, one of which couples his father, Kudur Mabug, and the father of his begetter, Gi-gunna-azagga; whether this is a posthumous name of Simtishilshak—the second syllable has associations with the Under World—or whether Rim-sin was not really Kudur Mabug's son, but perhaps descended from some one with a better title to the crown—are questions which must be left unanswered for the present. In a third inscription Iri-aku, or Ri-agu, calls himself the son of Kudur Mabug, the "father of Jamutbal," and it is possible that the son united the sceptres of Western Elam and Larsa. Rim-sin boasts of enlarging the borders of Ur, and of adding to the temple revenues of I-ninnu.[3]

Another inscription of Ri-agu, in which Kudur Mabug is not named, furnishes the principal reason for believing Rim-sin and Riagu to be different people. It is interesting in itself, both because Erech in it is called "the ancient" (this in the 23rd century B.C.), and because it mentions Anu, Bel, and Ea, the first divine triad recognised in Northern Babylonia, by the special title of "the great gods." The substance of various contract tablets of this reign will be considered later, but they have an incidental historical value on account of their being dated by the events which signalise different years of the king's reign. The capture of Nisin, which took place early in the reign, was an event of so much importance that contract tablets are dated in the 7th, the 13th, or the 28th year after it was taken. The regulation of the waters of the Euphrates and the Tigris supply other dates, and one, of capital importance, enables us to say that Rim-sin and his father were contemporaries of Hammurabi.

The sense of the passage is rather obscure, but the year is described as

[1] *G.B.A.*, p. 354.

[2] Assyriologists debate whether there are two kings, Rim-sin and Ri-agu, or whether they are different ways of writing the same name.

[3] *K.B.*, *l.c.*, 97.

that in which Hammurabi the king, by the help of Anu and Inlilla, in whose grace he walked, pronounced a decision (?) concerning the father of Jamutbal and Rim-sin.[1] All Rim-sin's inscriptions bear the title of king of Sumer and Akkad; but this startling date, coupled with the expressions used in the inscriptions of Hammurabi, seems to show that while Rim-sin retained the title, the authority it implied had really passed to the king of Babel. Kudur Mabug took the new title of "father of the west," and there can be no doubt that the Elamite dynasty differed from the earlier monarchies of Ur, Nisin, and other capitals in the extension of its range east and west outside the compass of the two rivers.

Perhaps this extension proved a cause of weakness, and the boasted conquest of Nisin may have led to an encounter with Babylon and the discomfiture of the southern kingdom, but in any case Hammurabi must have succeeded or supplanted Rim-sin in the protectorate of Mesopotamia, so that the flourishing days of the latter were probably contemporary with the reign of Amar muballit, the father of his rival. The raid of Kudurnanchundi on Erech may have preceded the accession of the Elamite dynasty, or it may have been the last effort of the aliens before their exclusion. The conjectural chronology of the kings supplied by Hommel,[2] though in the main plausible, is not so absolutely certain but that the reign of Hammurabi might be shifted a little forward or back in relation to 2285 B.C., if either of these alternatives should be confirmed. It is not, however, impossible that the Elamite dynasty itself should have been attacked by Elamites who had not enjoyed the pleasures of settled life in the Sumerian plains; and the submission of Kudur Mabug and his son to Hammurabi may have followed their defeat by Kudurnanchundi, and have been the price of the alliance of a powerful and flourishing Babylon.

The contract tablets of Rim-sin, found at Erech, show that he introduced the worship of Samas there, and the same evidence proves that Hammurabi introduced that of Marduk (Merodach), which was previously unknown in Southern Mesopotamia. Most of the contract tablets of Hammurabi have been found at Erech; but one of them, which, owing to the precedence given to the name of the god Samas, M. Revillout supposes to have come from Sippara or Larsa, is dated by no special event, only "the year of Hammurabi," which may mean the year in which he succeeded Rim-sin. These tablets not only throw light on the succession of the kings and their nationality, in so far as illustrated by their religion, but their absence is itself suggestive. The retention of Sumerian forms, after the language had become thoroughly Semitized, would not of itself prove more than the conservatism of lawyers, such as caused English law courts to use a jargon of Norman French, which was intelligible to no section of the laity. But this is not all.

It is in the ancient Sumerian cities of Southern Babylonia alone that contract tablets of the earliest dates (on either side of 2000 B.C.) have been discovered. The essential character of these contracts does not vary

[1] Hommel, *G.B.A.*, p. 362. [2] *Ib.*, p. 169.

in later ages, and it is thus established beyond the possibility of doubt that the highly developed commercial system of Babylonia was originated by the race which spoke a language that is now left to Tatars and Finns And further, as this system with all its complexity, rivalling the results of modern enterprise, had many distinctive features which are entirely absent from modern commercial law, we may fairly argue that the presence of any one of these features, among little known races in other parts, will give a certain presumption in favour of their having also belonged to the same ethnological and philological family

## CHAPTER IV.

### *BABYLONIA AND ASSYRIA.*

### (*Historical Sketch.*)

#### § 1. First and Second Babylonian Dynasties.

It is with the reign of Hammurabi that the importance of Babylonia—the country owning Babel as its capital—begins. Zabu, the third king of the first historical dynasty of Babel, is known to have built or restored temples in Sippara and Agade, because the incomparable Nabonidus records that Sagasaltias (1246–1233 B.C.) had to rebuild them. An early inscription, of which a much damaged copy was found in the library of Senacherib, might belong to the fourth king, the grandfather of Hammurabi. It seems to describe the gifts dedicated to the gods, by whose favour the king hopes to rule his people in peace, and it imprecates curses against those who deface the record. The same king was probably also the founder of a city on the borders of Elam, which bore his name. But this is all that is known at present of the first five reigns extending over somewhat more than a century.

Hammurabi (*circ.* 2250 B.C.) is the sixth on the Babylonian list. The great majority of the inscriptions of his long reign of fifty-five years, refer to peaceful works. A bi-lingual inscription upon a statue, translated by Hommel and Amiaud, however, describes him as "the mighty hero, the destroyer of the foe, the torrent of battle, the overthrower of hostile nations, he who silences the fight, and carries off the warriors, like statues of clay, as booty."[1] The gods by whose favour these triumphs were achieved, are enumerated in a kind of litany, and the conclusion is a prayer for the proclamation of the king's name throughout the four regions, that his great vassals may be submissive and widespread nations faithfully obedient.

A contract tablet is dated by the year in which Hammurabi, the king, built a great fortress, mountains high, on the banks of the Tigris, and called it Karra na Samas, the fortress of the sun-god. But the generality of his compositions have more in common with the famous canal inscription: "I am Hammurabi, the mighty king, king of Ka-dingirra (Babylon), the king whom the regions obey, the winner of victory for his lord Merodach, the shepherd, who rejoices his heart. When the gods Anu and Bel

[1] Hommel, *G.B.A.*, p. 409. Jensen (*K.B.*, iii. 1, p. 114) renders the last clause: "Der die Aufruhrsturme zur Sattigung fuhrt."

granted me to rule the people of Sumer and Akkad, and gave the sceptre into my hand, I dug the canal called 'Hammurabi, the blessing of the people,' which carries with it the overflow of the water for the people of Sumer and Akkad. I allotted both its shores for food. Measures of corn I poured forth. A lasting water supply I made for the people of Sumer and Akkad. I brought together the numerous troops of the people of Sumer and Akkad, food and drink I made for them; with blessing and abundance I gifted them. In convenient abodes I caused them to dwell. Thenceforward I am Hammurabi, the mighty king, the favourite of the great gods. With the might accorded me by Merodach I built a tall tower with great entrances, whose summits are high like . . . at the head of the canal 'Hammurabi the blessing of the people.' I named the tower Sinmuballit tower, after the name of my father, my begetter. The statue of Sinmuballit, my father, my begetter, I set up at the four quarters of heaven."[1]

Other inscriptions record the erection of temples in Borsippa and Erech, and the reality of his supremacy in Larsa is proved by an inscription found there, which records his restoration of the temple of the sun-god; and contract tablets are dated by the erection and restoration of other temples. Rings bearing the legend "Palace of Hammurabi" have been found in the neighbourhood of Bagdad, and presumably indicate the existence of a royal residence there. A contract tablet refers to the demolition by the king of two fortresses, possibly in the newly annexed southern provinces; and another mentions a destructive flood. The reign as a whole was prosperous, and that not merely politically, but in those substantial social conditions which are reflected in the commercial market. Scanty as our knowledge of the reign of so ancient a king must be, we have still good reason to believe that the price of land went up in its course—a sign, no doubt, of growing population and commercial activity.[2]

Hammurabi was succeeded by his son, Samsi-iluna (Samas is god). He restored six fortresses which his ancestor, Sumula-ilu, had built against the Elamites; and the cylinder recording this fact supplies a remarkable confirmation of the great list of Babylonian kings. He calls Sumula-ilu "my great ancestor, my fifth predecessor,"[3] while the list shows us exactly four kings between the two. In this dynasty, after Sumula-ilu, the succession proceeded constantly from father to son, and the expression here may be used, as it were genealogically rather than historically. It is evident, however, that a valuable check on the accuracy of the official chronology would be supplied, if the kings thought and spoke of themselves popularly as so many generations off from this or that predecessor. Samsi-iluna describes himself in inscriptions as the mighty king, king of Babel, and of the four regions of heaven; and as walking in peace, shepherding the city

[1] *G.B.A.*, p. 408; *K.B.*, *l.c.*, p. 123.
[2] *Les Obligations en Droit Egyptien*, p. 293.
[3] Winckler, *K.B.*, iii. 1, p. 133.

and the Four Regions. He dug two canals, and made a golden throne for the god Urukhi; he set up colossal golden bulls to the sun and moon gods in Larsa and Babel, and a gold and silver image to Merodach in Isagilla, all of which facts are recorded by the contract tablets of his reign.[1]

Out of 111 contract tablets printed by Meissner,[2] fifty-eight are more or less completely and legibly dated. In twenty-five of these the year is identified by some occurrence, the opening of a canal, a flood, the setting up of the "throne" of some god, or by the name of some person other than the reigning king. The names of Rim-sin and Zabu occur once each, and one deed is witnessed by Sinmuballit before his accession. Fifteen contracts belong to the reign of Hammurabi, though his name is only mentioned in eight of them. Seven belong to the reign of Ammizadugga; four to that of Ammiditana; three to that of Samsi-iluna, and one each to the reigns of Ebisu, or Ibishum, and of Immeru.

As the order of the contracts is frequently to be gathered from their substance, when a series deals with the affairs of the same family, from father to son, for two or three generations, it is obvious that the undated historical events alluded to may be more or less satisfactorily placed by their help. And a tolerably complete chronological record of the most important reigns may in time be completed from this source. It has been left to historians of our own day to insist on the historical importance of such common facts about the daily life of the people, as political history has seldom deigned to commemorate. And it is not a little singular that this one among the earliest chapters of human history, which has been buried in complete oblivion, since the fall of Nineveh, should prove, when reopened, to stand alone among the records of antiquity, in giving as much prominence to the private affairs of the family and the market-place, as to those of the court and the battle-field; and that the fame of the kings should rest partly upon the number of times they are taken to witness that justice is about to be done.

Nothing definite is known of the kings belonging to the Second Dynasty, commonly called of Sisku,[3] except that, as already observed, the length assigned to their reigns seems excessive, while some of their names were sufficiently famous to be preserved in a list giving Semitic translations of their sense. The rise of the Assyrian monarchy dates from the latter half of the period assigned to the Second Dynasty.

[1] *G. B. A.*, 415, 6.

[2] *Beiträge zur Alt-Babylonischen Privatrecht.* Bruno Meissner, 1893.

[3] Winckler (*Geschichte*, p. 67) Uru-zag, which he renders "the shining city," and takes to be the name of a quarter of Babylon. Another quarter was perhaps called Shu-anna, and both names were used for the city as a whole, as was the case with the quarters of Lagash (*ante*, p. 267). The first Babylonian dynasty is called that of Tintir, the sacred name of Babylon, and the substitution of the other title would imply a dynastic change, not affecting the capital or the nation.

## § 2. The Third (Kassite) Dynasty.

Some of the kings of the Third Dynasty have unmistakably Kassite names, and the whole dynasty may conveniently be called Kassite or Kossæan for distinction, though we do not know how it was designated in the Babylonian list. The Kassites and the Elamites were in much the same plane of civilization, and it is probable that the former established themselves in Babylonia in much the same way, and with the same result, that the Elamites did in Larsa. The kings of the mountains easily vanquished the pacific city kings of the plain; and, having taken their place, were themselves promptly tamed and pacified.

During the period of transition the black-headed people suffered grievously, and Hommel suggests that a passage in the Babylonian epos, describing how the god of heaven let loose the war god upon the offending land, refers to the ravages of the Kassites. Babylon itself was plundered, and beheld the unaccustomed spectacle of the king at the head of his troops, brandishing the bow and lifting up the sword. The fire-god, Ishum, and with him seven other gods of war, swept over the land as far as Syria itself;[1] and, to quote the prophetic narrative of the oracle, "Coast against coast, lowland against lowland, Assur against Assur, Elam against Elam, Kossæan against Kossæan, Sutu against Sutu, Kutu against Kutu, Lullubu against Lullubu, land against land, house against house, man against man, brother against brother, shall rise up and subdue one another, till the people of Akkad comes and destroys and subjugates them all."

The mention of Assur makes it improbable that this text should be earlier than the Third Dynasty, as even in the latter half of the Second Dynasty the rulers of Assyria bore the title of patesi, not king. The obscure kings of the Second Dynasty no doubt allowed the cities of the plain and the coast to indulge in petty feuds, and the power of the nations in the mountains of the east seems to have passed its zenith; the empire of Elam began to wane, and until the time of Cyrus no more great conquests were to proceed thence.

It was not the mission of the black-headed race to impose its laws upon these turbulent neighbours; but the land of Akkad was a tempting centre for any dynasty strong enough to rule all Mesopotamia, and to restrain the surrounding elements of disorder. That this was the *rôle* of the Kassite kings will appear from their later history, though the first six kings on the list have left no monuments, with the exception of a short inscription bearing the name of the first. The next eighteen names are wanting; but the seventh king of the dynasty has left an interesting inscription, in which he mentions his father and grandfather by name, and this piece of piety now serves to determine his place in the list. In this inscription, of which an Assyrian translation was preserved in the library of Sardanapalus, he

[1] The astronomical work contemplates the possibility of invasion from the west, or a Hittite conquest of Babylon. Cf. Hommel, p. 346 ff. and p. 419, for references to untranslated texts, ap. Rawlinson, *W.A.I.*

calls himself Agu-kak-rime, the son of Urzu-guru-bar, grandson of Adumi-lik, the exalted offshoot of the god Shukumunu (a Kassite deity), the chosen of Anu and Bel, and Ea and Merodach, Sin and Samas, the mighty hero of Istar, the heroine among goddesses. A king of counsel and wisdom, a king of hearing (or listening) and grace; the brave, mighty in youth . . . the aboriginal son of the great Agu,[1] the brilliant offshoot, the royal offshoot, a shepherd, a mighty one. "A shepherd of widespread nations, a brave one; *he who establishes*[2] *the foundations of his father's throne, am I.*" He calls himself further king of the Kassites and Akkadians, of the land of Babel, and of the lands of Padan and Alman, king of the Guti, numerous peoples,[3] a king who makes the Four Regions to obey, a favourite of the great gods.

He obtained the restoration of divine images of Marduk and his wife, Zarpanit, which had been carried off from Babel into the land of the Hittites, and spent four talents on dresses for the same gods, to say nothing of precious stones for their crowns, and furniture and decorations for their temple. Apart from his successful negotiations with the Hittites, he does not appear to have claimed any authority over the western countries; but he speaks in the same inscription of having sent his own workmen to the shining mountain, to obtain the sweet-scented cedar and cypress wood for the great double gates of the temple.[4]

A very remarkable postscript to this inscription is appended by the three chiefs of the workpeople employed by the king, who received from him the gift of a house, field, and garden apiece. These gifts are consecrated to the gods Merodach and Zarpanit; so it is possible that the chiefs of the works were settled upon sacred land and endowed in the same way as the priests, only with the duty of looking after the material rather than the spiritual maintenance of the temple. Any way the grateful operatives proceed with great unction and eloquence to invoke blessings on the king Agu, and curses upon whomsoever shall injure or look askance upon his records. The benediction is worth reproducing as an illustration of the theology of the period. "May Anu and Anatu bless him in heaven, and Bel and Ninlil in the lower world; may they satisfy him with the lot of life. May Ea and Damkinna, who live in the great watery abyss, grant him a life of distant days; may the goddess Magh (a name of Istar), the lady of the great mountains, crown him with . . . May Sin, who illuminates the heavens, grant him seed of the kingdom for distant days; may the hero Samas, the lord of heaven and earth, establish the foundation of the throne of his kingdom for distant days; may Ea, the lord of canals, crown him with wisdom; may Merodach, the lord of canals, who loves his dynasty, surround him with abundance."

[1] Jensen has "the first-born son of the elder Agu."
[2] Or, "causes to endure."
[3] Cf. Gen. xiv. 1, 9. Tidal, king of nations = Goyim.
[4] *G.B.A.*, 421; *K.B.*, iii. 1. 135–153.
[5] Hommel, *Gesch.*, p. 423 ff. Tiele, p. 128. The text is defective, but it seems agreed that house, field, and grove are bestowed (according to Jensen, tax free) both

The most notable trait in this whole inscription is the somewhat unaccustomed insistence on the prolongation of the royal family. Delitzsch,[1] in a translation of the same inscription, makes the king call himself a ruler who "firmly establishes the throne of his father," and it is impossible not to be reminded by the phrase of the Egyptian theory of succession, by which a king's throne is established when he associates with himself upon it the son of a royal mother. The king himself is familiarly called Agu, and the "great Agu," of whom he calls himself "son from the beginning," must be Agum-amir, the second king of the dynasty, or the third, if his name should be read Agu-a-shi. The first and third kings of the dynasty were succeeded by their sons, but the third was not the son of the second, nor the fifth and sixth of their predecessors. The line of succession was therefore broken, and the dearth of monuments shows that the kings before this Agu were not particularly flourishing or powerful. If the father strengthened his position by marrying the heiress of the earlier Agu, that would explain both the clause in the inscription and the security and wealth of the new king.

He speaks of settling many nations in Asnunnak, which Delitzsch takes to mean that he established Kassite colonies in Southern Babylonia, on the borders of Elam towards the sea; *i.e.* in the old land of Mutbal. Indeed, it has been proposed to regard Kaldi (Chaldæa) as equivalent to Kashdi and Kash, the land of the Kassites or Cush. Delitzsch suggests that the presence of Kassites in Southern Babylonia in the sixteenth century B.C. would be sufficient to account for the Hebrew conception of Nimrod—the founder of Erech as well as Nineveh—as a Cushite, and that the same explanation would account for one of the rivers of Paradise being described as encompassing the land of Cush.

The date of Agukakrime must be somewhere about 1600 B.C., and the limitation of his enterprises towards the west may doubtless be explained by the extension of the Egyptian empire, which the conquests of Thothmes III. brought up to the very borders of Babylon. Under Agu, Mesopotamia, in the narrow sense, no doubt enjoyed complete security, independence, and wealth; and if, as is probable, there was more real affinity between the men of Sumer and Akkad and the Kassites than with the Semitic population, there is nothing strange in the rapidity with which the settled population assimilated its conquerors. After Agu eighteen kings seem to have reigned; but as to fifteen of these, neither their names nor the duration of their reigns are known. The length of the other three reigns, but not the kings' names, are preserved in the list. The detailed chronology therefore fails us for a period of about 400 years, and the space with neither names nor dates extends to 300 years.

Little more than one hundred of these are left entirely blank, for the synchronous history of Babylonia and Assyria gives the name of Kara-

upon the priests of the gods and upon the "arch-artist" and men of skill employed on the works.

[1] *Die Sprache der Kossäer.* Appendix A.

indas as contemporary with Assur-bil-nishi-shu, towards the beginning of the fifteenth century, and those of six other kings reigning together till about the end of the fourteenth century, the last of whom was contemporary with Salmanasar I. (about 1330 B.C.). Judging from the inscriptions, the only important ruler during this period was Kurigalzu, called by one of his descendants "the unequalled king." Hommel and Delitzsch suppose that there were two kings of this name; the first, the incomparable one, preceding Burnaburias. He is styled "the mighty king, king of Babylon, king of Sumer and Akkad, king of the Kassu, king of Kardunias." He forestalled Nabonidus in the attempt to discover the "foundation stone of Iulbar in Agani,"[1] which remained concealed from the days of Naramsin to Nabonidus; and either he or his namesake built a fortress, Dur-Kurigalzu, or Kurigalzu's wall, in the neighbourhood of Bagdad, which was the key to the country of Kardunias.

More important than the doubtful order of the Kassite kings is the fact that, at the beginning of the fifteenth century at latest, regular diplomatic intercourse was established between the monarchies of Babylonia and Assyria, while letters and presents were exchanged between the kings of both those countries and the rulers of Egypt. In the Cinque cento B.C., as we may call it, the comity of nations was scarcely less developed than in Europe at the close of the Middle Ages. The horizon of kings and merchants was wide enough to include Egypt, Arabia, Syria, and the whole basin of the two rivers with the highlands commanding them, a region as extensive as Western Europe, and probably as far advanced in wealth and luxury as that was 3,000 years later.

The chief authority for this period is a document commonly called the synchronous history of Babylonia and Assyria, which appears to be an abstract of all the treaties and wars, entered into by the two countries, in reference to some debateable land, presumably on their frontiers. A few passages from it will serve as a specimen of this kind of literature.

"Karaindas, king of Babylon, and Assurnisisu, king of Assur, made treaties together, and took an oath together about this territory.

"Busurassur, king of Assur, and Burnaburias, king of Kardunias, negotiated about the territory, and fixed the boundaries on both sides.

"In the time of Assuruballit,[2] king of Assur, the Kassi had revolted from Karahardas, king of Kardunias, son of Muballitatsirua, daughter of Assuruballit, and had slain him; Nazibugas, son of Nobody, they raised to be king over them.

"Assuruballit marched on Kardunias to avenge Karahardas; he slew Nazibugas, king of Kardunias; he made young Kurigalzu, son of Burnaburias, king; he seated himself on the throne of his fathers.

"In the time of Belnirari, king of Assur, Kurigalzu the younger was king of Kardunias; Belnirari fought with him, defeated him, and carried off his camp. From . . . to Kardunias they halved the fields, they divided the territory, and determined the boundaries.

"Rammanirari, king of Assur, and Nazimaraddas, king of Kardunias, fought together

[1] Schrader, *K.B.*, iii., pt. 2, p. 85.

[2] The Tell-el-Amarna tablets show that this king was the son of Assurnadinahi, who was casually mentioned in an inscription of Asirnasirapal. The same source also shows that a Babylonian king, X-lim-ma-sin, otherwise unknown, must have reigned just before or after Karaindas, or else that there was yet another monarchy bordering the Euphrates in correspondence with Egypt.

in Kar-Istar and Akarsallu. Rammannirari smote Nazimaraddas and defeated him; he took his camp and his . . . They fixed the following boundaries for the territory: their territories from Pilaski on the further bank of the Tigris, and from Armanakarsalu to Lulumi, and they divided it." [1]

This is the end of the first column. In the first paragraph it will be observed that the name of the king of Babylon takes precedence, while in the second the order is reversed. Burnaburias married the daughter of an Assyrian king, and the deposition of the son of this marriage by the Kassites may have been due to jealousy of Assyrian influence. Kurigalzu II. probably conciliated his countrymen, by taking up arms against his former patron. These six reigns, with perhaps others not marked by dealings with Assyria, must have covered the century and a half between the date of Rammannirari (about the middle of the fourteenth cent. B.C.) and the conjectural date of Karaindas, about 1470 B.C. An inscription records the building of a temple by Karaindas, and Kurigalzu set up a statue of Merodach in the town bearing his name. He also built a zigurrat there, and restored one of the ancient temples of Ur, works which imply a tolerably prosperous reign. Another king, Sagasaltiburias, who flourished eight hundred years before Nabonidus, also founded a temple of sufficient importance to be restored by that pious prince.

The name Kardunias, now commonly used for Babylon, is said to be half Kassite, half Sumero-Semitic, and to mean the "garden of the lord of the lands." [2] Throughout this period the two powers seem to have been equally matched; the chronicle mentions a majority of Assyrian victories, but as it was edited for an Assyrian king, the defeats may have been omitted. Delitzsch supposes Assyria to have taken up arms originally to resist attempted Kassite encroachments. At some uncertain date, a king of Babylon appealed to Assyria for help, on the strength of similar help given by his father to the Assyrian king's predecessor; and Senacherib boasts of carrying off from Babylon a seal, which had been brought there as booty six hundred years before. The king who lost it nevertheless claimed the title of king of Sumer and Akkad, and on the whole the frontiers of Assyria seemed to have advanced, though the partition effected in the reign of Rammannirari implies that up to that time, the land east of the Tigris, between the Upper and the Lower Zab, was considered to belong to Babylon.

Rammannirari, king of Assyria, in an inscription of his own,[3] calls himself the son of Pudil, the grandson of Belnirari, and great-grandson of Assuruballit, and rehearses the achievements of his ancestors. He boasts that they all enlarged the borders of the kingdom, and we can infer in what direction, when he adds that his grandfather overthrew the people of the Kassi, and that he himself founded anew their ruined cities. This

[1] *Keilinschriftliche Bibliothek*. Edited by E. Schrader. Vol. i. p. 195. Translation by F. E. Peiser and Hugo Winckler.

[2] The etymology is perhaps doubtful, but *iash* is Kassite for "land." Winckler, *Gesch.*, p. 86.

[3] *K.B.*, i. p. 6.

interesting inscription was set up before the two gates, "Invocation of the god of the land," and "The Divine Judges." It closes with a typical appeal to later ages.

If, when these foundations are grown old and decay, a later prince repairs their injuries and sets up the tablet and the founder's name in its place again, Assur will hear his prayers; but "whosoever defaces the name and writes his own in its place or takes away my tablets to destroy it, casts it into the stream, burns it with fire, sinks it in water, or covers it with dust, or brings or sets it in an unseen place, or any evil enemy who sends another and causes it to be carried away, Assur, the exalted god who dwells in Iharsagkurkura, Anu, Bel, Ea and Istar, the great gods, the spirits of heaven and the spirits of earth shall smite him with their mighty hands and curse him with an evil curse, and destroy his name, his seed, his power, and his family in the land; the destruction of his land and of his people shall come from their mouth. Ramman shall visit him with an evil rainstorm, and send floods, hurricane, rebellion, destruction, storm and stress, hunger and dearth into his land, and with an evil eye turn its fields into fallows, and its cities into heaps of ruins."

These Assyrian kings are rather exacting in their demands upon posterity. The great inscription of Tiglath-Pileser explains what Rammannirari means by an "unseen place," to which he objects nearly as strongly as to the destruction of his monuments. Tiglath-Pileser includes in his imprecations any one who "stores them away in a (?) library, a place where people cannot see them[1] like. . . . " Evidently there was some danger already (1100 B.C.) of ancient tablets falling into the hands of private collectors, and so passing into oblivion; and the kings were not satisfied with a place in the memory of antiquarians or historians, they demanded to have their commemorative tablets preserved in as public a place as those where they were first erected, so that all the people in passing by might be reminded of their name and achievements.

An Assyrian inscription names Karaburias as reigning in Babylon contemporaneously with a king whose name is missing, but who is supposed to be Salmanasar I. (perhaps 1330–1310 B.C.). Salmanasar I. is the son and successor of Rammannirari, so Karaburias may be the immediate successor of Nazimarraddas, in which case seven reigns in succession are accounted

[1] Now that time's revolutions have left their cities desolate, we must hope that the vengeance of the great gods Ramman and Anu may concentrate itself upon those who hinder excavations, or who hoard undeciphered tablets in private libraries; and spare the directors of such museums as give them due publicity, with explanatory tickets, in accessible cases, and photograph, print and translate them with exemplary expedition; to say nothing of the meritorious explorers, whose fevered slumbers may well be haunted by the varied and picturesque curses they unearth. Thus Professor Hilprecht is tempted to lay the blame of the delay in his publication, on "the rage of En-lil, lord of the demons, who set loose against the expedition all the Igigi and Annunnaki;" though he is not without hopes that such rage may abate now that the inscriptions which proclaim the glory of the great Bel "lord of lands" have seen the light in America, or may be converted into such blessings as King Nazi-Maruttash invokes: "to hear his prayer, to grant his supplication, to accept his sigh, to preserve his life, to lengthen his days!" It is evidently difficult to disbelieve in gods who are sworn by with so much eloquence and fervour.

for. Salmanasar and his son Tiglatadar call themselves kings of nations, and the latter also claimed authority over the land of Kardunias. The seal bearing his titles was, however, carried off to Babylon by some "evil enemy," notwithstanding the customary imprecations, and remained there till the conquest of Senacherib. Marduk-abal-iddin (first half of twelfth century B.C.), who speaks of Kurigalzu, the "unequalled," as his ancestor, also names another of his predecessors, Irba-Marduk, whom he styles king of Sumer and Akkad, and who may have been the captor of Tiglatadar's seal.[1]

As Tiele observes,[2] Babylonia was not at this time really subjugated by Assyria, only superseded in its aspirations after the control of the Four Regions. About the beginning of the twelfth century there was war again between the two powers, when Belkudorosor was king of Assyria, and a king whose name begins with Ramman, reigned over Babylon; the latter was slain, but the defeat was not accepted as final. There are thus three kings out of eleven, between Karaburias and Marduk-abal-iddin, of whom something is known, beyond the fact that their united reigns occupied about a century and a quarter. A boundary stone, bearing the name and portrait of the former king, is now at the British Museum; it records the gift of a piece of land by the king, and is interesting because it gives the cardinal points in the same way as the tablet quoted (*sup.* p. 265); at least upper and lower are used for west and east. The other boundaries described are the river Tigris and neighbouring houses, and then the land of such and such a "town." The successor of Marduk, Zama-sum-iddin, was attacked by Assurdanan, who carried off spoil to Assyria, and was the great-grandfather of Tiglath-Pileser I., and with the short reign of the next king the Kassite Dynasty comes to an end, in the middle of the twelfth century B.C.

This Kassite Dynasty was contemporary with the rise of Assyria as a powerful kingdom, and with the whole of the Eighteenth Dynasty in Egypt and with the kings of the Nineteenth, at least down to Rameses III. The kingdom of the Hittites also reached its greatest strength during the same period, and a number of small kingdoms in Syria and Palestine had fortified capitals, able, like Kadesh and Megiddo, to make a creditable resistance even to the armies of an Egyptian conqueror. Another kingdom of some importance, called Mitani, is believed to have lain to the east of the Euphrates, where that stream borders the kingdom of Carchemish, so that it would itself be surrounded on three sides by the great river, while the Balih may have served as its eastern limit. This region, rather than Babylonia proper, must be the Naharina of the Egyptian inscriptions, and the Asiatic campaigns of Thothmes I. probably did not extend beyond this point. Thothmes III., however, counts among the taxes levied from the land of the Rutennu, "the tribute of the king of Assur," and scarabs bearing the name both of Thothmes III. and Amenophis III. were dis-

[1] This king's name has also been preserved upon a thirty-mina weight in the form of a duck.

[2] *Babylonisch-Assyrische Geschichte*, i. p. 143.

covered by Layard in his Assyrian excavations. The kingdoms of Syria and the Hittites must have suffered serious defeats and despoilments, but it may be doubted whether even Thothmes III. attempted much more than a military promenade, or a demonstration in force to the east of the Euphrates. And, if so, the kingdoms of Northern Mesopotamia might consider that they were only treating for peace with a great power too far off to be dangerous, by sending presents which the Egyptians chose to regard as tribute.

Perhaps the most startling and interesting of the many discoveries made in the present generation is that of the correspondence between the kings of Babylon and Mitani and the kings of Egypt in the fifteenth century B.C. In the winter of 1887–1888, at Tell-el-Amarna, the capital of the heretical Pharaoh, Amenophis IV., a number of clay tablets bearing cuneiform inscriptions were discovered. Among them were letters from Asiatic kings to two kings of Egypt, Nimmuriya = Neb-ma-ra (Amenophis III.) and Napkhururiya = Nofer-kheperu-Ra (Amenophis IV.). From a broken tablet it appears that the father of the Egyptian king had sent "much gold" to the writer's father (or ancestor), Kurigalzu, so that this great monarch may have lived so shortly before Karaindas, as to have been in correspondence with the same king of Egypt.

The following letter explains itself: "Speak thus to Naphururia, king of Egypt, my brother. Purrapurias, king of Kardunias, is thy brother. It is well with me. Much good be with thee, and thy land, thy house, thy wives, thy sons, thy nobles, thy horses, and thy chariots of war. As aforetime thou and my father kept friendship together, so now, thou and I. . . . What thou desirest from my land write me, and it shall be brought thee; and what I desire out of thy land, I will write to thee and it shall be brought me. I and my brother have bound ourselves together in friendship, and have spoken in this wise: we will be friendly towards each other for evermore."

There can be no doubt as to the identity of the writer of this letter with Burnaburias, the son of Karaindas, and the date of Amenophis IV. is thus shown to be about the middle of the fifteenth century B.C.

There are only eight letters from Babylon in the Tell-el-Amarna collection, from a king—whose name read[1] Elish-kul-lim-ma-sin, may be identical with the Kallima-Sin found by Hilprecht—and from Burnaburias; in another of these the latter complains to the Egyptian king, as lord of Palestine, of the murder of Babylonians in Akko.

There is a letter from Assur-u-ballit, the king of Assyria, the "great king," who expresses satisfaction at the arrival of messengers from Egypt, and announces that he has sent a royal chariot and two white horses and a seal as a token of friendship; he observes diplomatically that when his father, Assurnadinahi, sent to Egypt, twenty talents of gold were brought back, and the same return was made to the king of Hannirabbat when he wrote to Amenophis III. After this hint he concludes: "Write what

[1] By Winckler, *Gesch.*, p. 89.

thou desirest, and thy messenger shall bring it thee. The lands of both of us are large; our messengers shall go (backwards and forwards between them)." Another letter, as yet untranslated, is from the king of Alasia, probably in Syria, to the king of Egypt, and another from the king of Arsapi (? Reseph) is written in an unknown language supposed to be Hittite.

The largest collection of letters, however, is that from Mitani. The king of this country, Tushratta by name, like his brother of Assyria, calls himself the great king, and he addresses Amenophis III. as his brother and son-in-law, "whom he loves and who loves him," an Egyptian formula, always used by relations and presumably translated by the Mitani dragoman in imitation of the letters received from Egypt. Apparently, Thothmes III. had begun by exacting tribute from the king of Mitani, but afterwards, when his troops were no longer on the spot to enforce the claim, made or accepted overtures of friendship. Thothmes is referred to as Mimmuria (Men-keper-ra), and Tushratta promises to continue the friendship established with him to his son. He acknowledges the receipt of presents from Amenophis, and the return of articles belonging to his father, which must have been captured by Thothmes before the alliance began. He writes in Assyrian and in his own language, of which four hundred lines are thus preserved. Tushratta's reign must have been long if he was contemporary with both Thothmes III., Amenophis III., and the latter's son, Amenophis IV.; and there was certainly some special connection between him and the famous queen Tii, the foreign mother of Amenophis, who has been credited with seducing him into the heretical worship of the sun's disk, whence his other name of Khuenaten.

In an Egyptian text the parents of this princess are called Juao and Thuao, otherwise it would be natural to suppose that she was the daughter of Tushratta. Amenophis IV., as well as his father, is called the son-in-law of the Mitani king, and there is a long letter addressed to him, consisting partly of complaints that the latter's messengers were detained, and not protected on their journeys, so that "his brother's heart was angered." The usual introduction includes special greetings to the king's mother, Teie, and to his wife, Saka-kansak, the writer's daughter; and the letter ends: "As to the frequent intercourse which I had with thy father, Teie, thy mother, knows the facts, and after Teie, thy mother, thou knowest them, and what he said to thee. As thy father was friendly with me, so now, O my brother, thou art friendly again with me, and the contrary thereunto, O my brother, no one indeed listens to." [1]

The hostility shown in Egypt to Amenophis IV., which resulted in the fall of his house and the rise of the Nineteenth Dynasty, has been accounted for before, by the native theory of his illegitimacy as a ruler, since his mother was not a member of the Egyptian royal family. Thothmes

[1] *P.S.B.A.*, 1889, p. 389. This letter is practically decisive as to the Asiatic origin of the lady who, as queen consort, and queen mother, appears so often on the Egyptian monuments.

counts kings' daughters among the spoil or tribute he carried off, and there was nothing to prevent the kings of Egypt from receiving any number of foreign princesses in their harem, but Tii was the only lady of this class who held the rank of queen mother, and her promotion to it was resented. While this was the view taken of the status of foreign princesses in Egypt, naturally the Egyptian kings were not prepared to give their own daughters in marriage to aliens.

A king of Babylon, part of whose letter is preserved, resented this claim to superiority; he had sent to demand a daughter of the king of Egypt in marriage, and had been told that from all time it had been the custom not to give them away (to foreigners). This appears to him an excuse; the king is master, and if he chose to give his daughter, who could object? if he does not choose, he disregards the claims of brotherhood and friendship, and the Babylonian king will not send his own daughter to Egypt unless there is to be reciprocity in this respect. If the Egyptian king will send him three thousand talents of gold, he will have it wrought into the articles desired and return it without deduction, but he will not give his daughter in marriage. It is curious that the Babylonians, who seem by these letters to have been always short of gold, should have excelled the Egyptians, with whom it was abundant, so much in skill that it was worth while for the metal to be sent to them for working up.

The Babylonian king is willing to give his daughter, Irtabi, in marriage, if Pharaoh will send and fetch her; but he complains, like Tushratta, that, instead of his envoys being sent back as formerly, with handsome presents after a few days, they had been detained five years, and then dismissed with a paltry thirty mina of gold. Another letter shows that Irtabi was the king's second daughter, and that there was some trouble with Amenophis III. about her dowry. An inferior Syrian prince was in the habit of sending presents by the Egyptian couriers, who passed through his country on their return from the land of the Hittites; he addresses the Egyptian king as his father, and echoes the prayers of his superiors for gold.

A king, Subbi-kuzki, the name of whose country is illegible, writes a rather long letter to Amenophis IV. about the alliance established by desire of the latter's father, and about presents, in relation to which the Egyptian king had again given cause for complaint. Amenophis III. kept up by diplomacy the relations opened by Thothmes at the point of the sword, and it is strange that Amenophis IV., while incurring unpopularity at home by his foreign tastes, should yet have been less careful than his father to retain the good will of the Asiatic princes with whom he corresponded. There are also letters from Tarchundarash, king of Arzapi, and from some other quarter, showing the script to have been adopted for many languages and countries.

The Tell-el-Amarna tablets include a number of letters and reports from officers employed in Syria and those regions which recognised the protectorate of Egypt; and the degree of skill possessed by their scribes

in the use of cuneiforms supplies a measure of the range of Babylonian influence. Certain of the Egyptian scribes were evidently told off to master the diplomatic language, the French of the Old World; and touches of Egyptian ink upon the tablets, as well as the endorsement of some as copies, show that the original letters were used as reading books and models by students.[1]

Towards the close of the fourteenth century, when Babylonia and Assyria were occupied with their boundary disputes, Egypt also had domestic troubles which must have caused her hold on Syria to be relaxed. The kingdom of the Hittites profited by the interval, and the cities of Palestine and Phœnicia also increased in wealth and consequence, while the monarchy of Tushratta seems to have sunk into insignificance. At any rate, when Egypt again took the aggressive under Seti I. and Rameses II., her armies found feats enough to boast of in the sieges of Askelon and Kadesh, and in repeated campaigns against the Hittites. Their conquests were not pushed beyond the Euphrates, and they did not come in collision with the growing power of Assyria. Even Rameses III., if he pushed his revenge on "the peoples of the sea," mentioned in his inscriptions as far as the seats they occupied then, will have done so by entering Asia Minor, not by traversing Naharina.

This attack on Egypt was part of a general movement of population, like that which carried the Etruscans to Italy and the Iberians to Spain. There was a dispersion of energetic and improvable stocks, derived from the mountains of the Caucasus and Northern Armenia, which was not unlike, in its effects on the world's history, to that movement which brought the ancestors of Egyptians, Akkadians, and Chinese from another highland cradle, further south and east. We have seen how the Kassites succeeded the Elamites as the great military power of the range commanding the Tigris, and after the Kassite power was merged in that of a pacific Babylonia, the Assyrian kings found foemen worthy of their steel in the princes of the Nairi land round the lakes Van and Urmia.

### § 3. Obscure Dynasties (Fourth to Ninth) Contemporary with Rising Power of Assyria.

The Fourth Babylonian Dynasty bears the name of Pasi. All the kings known to have belonged to it have names beginning either with Nebo or Marduk. Assurisi, the king of Assyria who succeeded Assurdanan, was at war with one Nabuchodorosor; and as Assurdanan was contemporary with the last but one of the Kassite dynasty, Nabuchodorosor was probably not later than the third of the Pasi kings, and was succeeded by Bel-nadin-apli.[2]

[1] See for the Tell-el-Amarna tablets generally Erman and Schrader, *Sitzungsberichte d. konig. Pr. Akad. d. Wissenschaften*, May, 1888, and Hugo Winckler, *ib.*, Dec. 1888. Also Sayce, *P.S.B.A.*, 1888, p. 488, 1889, p. 326, and P. A. J. Delattre, *ib.*, 1890, p. 127. *Rec. of the Past*, 2nd series, vol. v. p. 54. H. Winckler, *Geschichte Bab. und Ass.*, p. 157 ff., and M. J. Halévy, *Journ. As.*, 1890, pp. 298, 402; 1891, pp. 87, 202; 1892, pp. 270, 499; *ib.*, vol. xx. p. 233.

[2] *Z.A.*, viii. 2, p. 221.

Tiglath-Pileser (*circ.* 1100), according to the synchronous history, claimed to have defeated the king of Babylon, Maiduknadinahi, and to have conquered Babylon, Sippara, and other principal towns, together with their fortresses. Senacherib, however, claims to have recovered from Babylon the gods of an Assyrian city, captured by this king in 1113 B.C.,[1] so that the chronicle is convicted of an Assyrian bias, even supposing the honours of war to have been divided. The fact that Tiglath-Pileser never calls himself king of Sumer and Akkad is conclusive as to the continued independence of Babylonia.

Tiglath-Pileser was succeeded by his son, Assurbelkala, in whose reign peace and friendship prevailed between Babylon and Assyria, notwithstanding a popular revolution in the former country which substituted a man of unknown origin, Ramman-apal-iddin, for Marduk-sapikullat. The Assyrian king transferred his friendship to the new sovereign and married his daughter, and a fragmentary sentence suggests that friendly, or perhaps commercial, intercourse between the peoples of the two kingdoms was now established. Assurbelkala was succeeded by another son of Tiglath-Pileser, and after this the history of the two countries is a blank for over one hundred years. It is during this interval that the Twenty-second Dynasty of Egypt, whose kings bear Assyrian names, came into power; but the silence of the Assyrian monuments is conclusive against the theory of an Assyrian conquest of Egypt at this time. A powerful family of Semitic descent must have settled in Northern Egypt, the favourite resort of political refugees from Syria, Edom, and Palestine;[2] naturalized descendants of this family, in the fourth generation, married Egyptian princesses, and so obtained a colourable right to the throne, while their origin may have contributed to the frequency of appeals to Egypt for help, and to the intervention of Shishak in the feud between Israel and Judah.

Without aspiring to the conquest of the world, kings of the Third (Babylonian) Dynasty called themselves kings of the Kossæans and the Akkadians, and the period following this is probably fairly described by Delitzsch as "Semitic-Kossæan." As late as the ninth century, Assurnasirpal speaks of Babylonia as the land of the Kassi; names of private persons are frequently Kassite down to Nebuchadnezzar, and it is common for a father and son to bear respectively Semitic and Kassite names. Babylonia in the eleventh and tenth centuries was more prosperous than Assyria, where rival kings reigned, and even the immediate predecessors of Assurnasirpal did so little for the restoration of the monarchy, that he found Caleh in ruins, and the country so insecure, that he erected a fortress for its protection, as if Assyria had been constrained to content herself with the right bank of the Tigris.

It is this cessation of aggressions from the east, that Tiele thinks allowed the kingdom of David and Solomon, as well as that of the Hittites, to increase rapidly in wealth and importance, while the cosmopolitanism of Solomon's harem reproduces in small that of the preceding Pharaohs.

[1] Bezold, *K.B.*, ii. p. 119. [2] Cf. 1 Kings xi. 17, 40.

Owing no doubt to dynastic disturbances, the eleven kings of the Pasi dynasty only reigned in all for seventy-two years. The Fifth Dynasty, of the country of the sea, reigned for twenty-three years towards the middle of the eleventh century. The fifth column of a Babylonian chronicle,[1] of which the invaluable beginning is, alas! wanting, tells that the first king of this dynasty was a "son of Irba-Sin, a man from the dynasty of Damik-Marduk:" he reigned seventeen years, was murdered, and buried in the palace of Sargon. The mention of this unknown dynasty serves as a reminder that a number of small principalities may always, as in the earliest times, have surrounded the line of kings ruling, or claiming to rule, over Sumer and Akkad. The second king, "Ia-mukin-sumi, king of Kardunias, son of Hasmar, reigned three months and was buried in the palace of Hasmar;" and the dynasty closed with the six years' reign of Kassu-nadin-ahi, son of Sippai. Three kings, sons of Bazi, reigned for twenty years, and then for six years an Elamite, who was buried in the palace of Sargon.

Unfortunately at this point the chronicle ends, and the list of kings also is interrupted. There is a space at the bottom of the third column and another at the top of the fourth, broken away where the names of twelve or thirteen kings may have been. There must have been two dynasties in the interval, as after the four names following the gap we read "31 Dynasty of Babylon." Elsewhere the formula is "368 XI kings of Dynasty Sisku" or whatever it may be, the years of all the reigns and the number of the kings being stated in succession. It has therefore been debated whether thirty-one years or thirty-one reigns are meant, and if, as seems most probable, thirty-one years are to be understood, this dynasty of Babel would begin about 762 B.C. with the predecessor of Nabu-sumiskum,[2] and include about five reigns, leaving twelve to fill the space from the end of the eleventh century to the beginning of the eighth, or something between 200 and 250 years.

The synchronous chronicle begins again with the reign of the Assyrian king Rammannirari II., about 900 B.C. This prince, a son of Assurdan II. and grandson of Tiglath-Pileser II., fought with Samasmudammik, king of Kardunias, and captured his chariots; the defeated king was slain and succeeded by Nabusumiskum I., with whom Rammannirari first fought and then exchanged daughters, made peace, fixed the boundaries, and restored the intercourse between the people of the two countries. Rammannirari was succeeded about 890 B.C. by his son Tiglat-adar II., and three years before that another chronological authority becomes available, in a list of Assyrian eponyms, which is almost complete for two hundred years, and from 817 onwards is confirmed and supplemented by another version giving the campaigns or other notable events of each year. Assurnasirpal, son of Tiglat-adar, reigned from 883 to 859, and has left the most copious

[1] *K.B.*, ii. p. 273.

[2] He must be the second of the name, as one was contemporary with Rammannirari II.

inscriptions regarding his campaigns, his hunting expeditions, and his buildings and canals.[1]

His empire extended further than that of Tiglath-Pileser, but the story of his wars can certainly have no place in a history of civilization, for the savagery of his vengeance, and the complacency with which he describes his savagery, exceed anything to be met with among the first domestic race. Like his father and Tiglath-Pileser, he penetrated to the sources of the Supnat, an eastern branch of the Upper Tigris. If he did not actually traverse all the country, from this spot and the Eastern Euphrates, to Lake Urmia and the Lower Zab, he received from all of it such submission or tribute as justified him in counting it as part of his empire. The whole of Northern Mesopotamia west of Assur and Nineveh was subdued, including the ancient kingdom of Mitani, now called Bit-adini, and the country between the Euphrates and the Chaboras. In the latter region he encountered some of the most formidable resistance recorded in his annals. The king of Suhi, lying on both sides of this reach of the Euphrates, had appealed to Babylon for assistance, and an auxiliary troop of Kassites was sent in response. He made a stand at Suru, a fortress on the left of the Euphrates, but was totally defeated and the brother of the Babylonian king was taken prisoner.

It is of this campaign that Assurnasirpal says to Assur: "The fear of my lordship penetrated to Kardunias; the superiority of my arms overthrew Kaldu; I poured out terror over the mountains by the side of the Euphrates." But with the creditable veracity of old-world bulletins, he does not profess to have conquered or even to have invaded Babylon. His crowning achievement was a military promenade through the country of the Hittites to Lebanon and the Mediterranean. It may be that these countries thought Assyria, as Assyria and Mitani had thought Egypt, too far off to be oppressive, though dangerous at the moment of an armed approach; any way, they hastened to offer acceptable presents, which the Assyrian monarch counted as tribute. The wealth of the Hittites, as shown by their offerings, must have been very great.

Calch, the modern Nimroud, was the favourite residence of this king, and for its benefit he made a canal, from the Upper Zab, named it the "Stream of fruitfulness," and planted trees along its bank.

Assurnasirpal was succeeded by his son Salmanasar II. (860–825 B.C.), another warlike prince, who occupied himself much with campaigns in Urardhi,[2] the modern Armenia, and Hubuschia, the country about the upper course of the Upper Zab. The extent of Assyrian influence in Armenia may be measured by the fact that, throughout the ninth century. Armenian inscriptions are written in the Assyrian language and character. Still more formidable opposition to Salmanasar's authority came from the west, where a number of princes, under the leadership of Sangar, king of Carchemish, allied themselves against him, and after the northern coali-

[1] E. Schrader, *K.B.*, i. 51–129.

[2] The name is connected with Ararat. For his inscriptions, see *K.B.*, i. p. 129–175.

tion of Hittites, Cilicians, and their neighbours was defeated, Hamath and Damascus, which had become independent of the Hittite kingdom, headed a new league against the Assyrians; and, though Hazael was besieged in Damascus, and the surrounding country ravaged, in 842, it does not seem to have fallen. Tyre and Sidon, however, brought tribute, as did Jaua the son of Humri,[1] but on the withdrawal of his troops, revolts broke out again in Northern Syria, visited with the usual ferocious chastisements. In 849 B.C. Hadadezer of Damascus is mentioned as leading a confederation of twelve Hittite kings against the Assyrians, and the twelve kings of the coast mentioned in an inscription of Esarhaddon[2] may be taken as indicating some kind of constitutional partition.

It is curious that the intercourse between Assyria and Babylonia always seems to have been most friendly when the latter country was disturbed by dynastic quarrels. Down to 852 B.C. Salmanasar was on friendly terms with the king of Babylon, Nabupaliddin. According to Schrader's rendering of the synchronous history, Nabupaliddin was deposed by his subjects in favour of his son Marduknadinsum; but another son, Mardukbelusate, rebelled against his brother, and the land was divided betwen them, till Salmanasar came to the assistance of the former, and slew his rival and the rebel following. He then offered sacrifice in Babylonian cities, and the boundaries of the two empires were again settled by treaty.

All through this period, during which all we know of the history of Babylonia is derived from the records of Assyria, the kingdom must have been both prosperous and powerful, since the most ambitious of Assyrian conquerors, who counted all the kingdoms from the mountains of Media to the Mediterranean Sea among their tributaries, never presumed to think of Babylon as a possible subject. For about four centuries after the close of the Kassite dynasty, the Kassite-Akkadian kingdom of Kardunias probably combined a full measure of material prosperity with political obscurity. Southern Babylonia, or Chaldæa, the land of the Kaldu, where Elamite-Sumerian influence had been strongest in the past, included a varying number of independent cities or polities, while the people of the sea shore differed somewhat from both. The Sixth Babylonian Dynasty was founded by an enterprising adventurer from this last quarter, like the Merodach Baladan of the eighth century. But Chaldæa was so far independent of Kardunias, that Assyrian kings, like Salmanasar, could attack its cities without prejudice to their friendship with Babylon.

[1] *I.e.* Jehu, the son of Omri. In earlier inscriptions, Palestine is frequently called "Bit Humri"—the land of Omri—and the expression used here only indicates that the Assyrians were not aware of any change of dynasty in Israel. In general they describe foreign princes as "son of" such a person, meaning member of the reigning house called after him. The book of Kings does not give any idea of the importance of the reign of Omri, indicated by this Assyrian usage; but the latter is justified by the prophet Micah's reference (vi. 6) to "the statutes of Omri," by the fact that he founded a new capital, and that his son Ahab defeated the king of Damascus,—a city which sometimes defied Assyria itself,—and made a covenant with him, securing what may be called "a most favoured nation clause" for Israel.

[2] *K.B.*, ii. p. 149.

Salmanasar's reign was long as well as prosperous. At the end of thirty years a religious festival was celebrated, and the king appeared, for the second time, as Eponym of the year. Tiele compares this kind of jubilee to the Egyptian feast of the united kingdom, held, likewise, after the duration of a reign for thirty years; and both ceremonies are conclusive against a high average duration of reigns. A thirty years' anniversary was celebrated as something exceptionally fortunate, as a fifty years' anniversary is celebrated now; but if the average of the kings' reigns was thirty-three years,[1] or even twenty-five, evidently there would be nothing noteworthy in the thirtieth year. Salmanasar's latter years were troubled by the insurrection of one of his sons; and the same cause contributed to give a disturbed character to the reign of his successor, Samsi-Ramman (825–812 B.C.). Babylonia, perhaps, assisted or sympathised with the pretender; any way, Samsiramman's fourth campaign was directed against Akkad. Marduk-balat-suikbi, the king of Babylonia, allied himself with the Southern Aramæans, the Chaldæans, and the Elamites in taking the offensive, and, though the victory was claimed by Assyria, her strength was taken up in the struggle, so that Syria and Phœnicia were left to themselves, though encounters with the princes of Media and Persia (the Madai and Parsuas) become increasingly frequent and serious.

The list of eponyms, with events of each year, begins in this king's reign, and the seven entries referring to it may be quoted as a specimen of the documents upon which, no doubt, the royal annalists had to rely for past history and chronology.

817. Assur-baniai-usur . . . To the land of Til(?)li.
816. Sar-pati-bil, of Nisibis. To the land Zarati.
815. Bil-balatu of . . . nu, to Diri. The great god goes to Diri.
814. Musiknis, of the Kirruri country. To the land Ih-sa-na.
813. Nergal, of the Sallat (?) country. To the land of Chaldæa.
812. Samas-kumua, of the Arbacha country. To Babylon.
811. Bel-kala-sabat, of Mazamua. In the country.[2]

The latter entry means that the king stayed at home, and that there was no campaign. It is not known what the third entry refers to, though it is plain that some important image of an important god was removed to new quarters. It will be noticed that the Limu or eponyms are sometimes described by their city and at others by their province or country; the same office was also held by royal functionaries, like the Tartan, or the captain of the palace guard. It is supposed that some governorships carried with them the right of serving as Limu, an office which must have been one of dignity, as the kings always fill it once in their reign; but the history of the institution is obscure.

Rammannirari III. (811–783) set himself to recover the conquests of his grandfather by the Mediterranean, and in his fourth year an expedition by sea was undertaken, it is supposed to Cyprus. He boasts of having received

[1] As assumed by Brugsch after Herodotus.
[2] *K.B.*, i. p. 209.

tribute from the Chaldæans, and of having sacrificed to the gods of Babel, Borsippa, and Kutha in their respective cities. Four of his campaigns, however, were directed against Hubuschia, and eight against the Medes; Armenia was thus left comparatively to itself, with results that made themselves felt in the following reigns. The worship of Nebo was apparently introduced into Assyria at this time, and names compounded with that of the god, which were hitherto almost, or quite unknown, become as common as in Babylon. A governor of Caleh was the chief promoter of the new cultus, and set up statues of the god in honour of the king, and more especially of "his mistress, the lady of the palace, Sammuramat."

This Semiramis is conjectured to be a Babylonian princess, probably the queen mother, and possibly queen regent, as Rammannirari ascended the throne young. Queens are unknown in Assyria, and the kings never mention their mothers' or their wives' names, as is commonly done in Babylonia,[1] where also queens reigned in their own right. Whether as queen regent or queen consort, Sammuramat must have been a personage of considerable influence in the realm for the courtier-like votary of Nebo to risk the charge of heresy which might have been brought, in the land of Assur, against his inscription: "Set thy trust in Nebo, and thou wilt trust no other god."[2] The innovation is like that associated in Egypt with the king's establishment of a queen from Mesopotamia; and the general tendency of "strange women" to introduce strange worships in Palestine may be connected with the independence of the sex, as well as with its religiosity.[3] To account for the Greek legends about a queen Semiramis, we must suppose Sammuramat to have occupied a conspicuous place in popular imagination. But as Greek and Hebrew traditions respecting Assyria only begin with Tiglath-Pileser III. in the eighth century, her place is still rather before the beginning of well-known history; and so her association with an eponymous "Ninus," and the confusion of her legend with that of Istar, is not incomprehensible.[4]

Rammannirari III., and his immediate successors, Salmanasar and Assurdan III., and Assurnirari II., were contemporary with the greatest development of the Armenian monarchy. The ancient kingdom of Armenia is always called Urardhu or Arardu, by the Assyrians, and this word is taken to be identical both with the name of Ararat and of the Alarodians of Herodotus. The native name of the country was Biaina, which survives

[1] The opposite usage in the Hebrew Scriptures may be taken as an indication of the extent to which Syrian usage approximated to that of Sumer and Akkad, rather than to that of the later Semitic stock.

[2] *K.B.*, i. p. 193.

[3] Cf. the contrary European practice which leaves the religion of certain princesses in abeyance till the confession of their future consort is determined.

[4] An inscription of Semiramis, said to have been found by Alexander, has a kind of interest, as showing that Assyrian tradition borrowed its ideals from the Sargon legend. The queen is represented as saying: "I governed the kingdom of Ninus, which reaches on the west to the river Hinaman, on the south to the lands of incense and myrrh, on the north to the Saki and Sogdians. Before me no Assyrian had beheld the sea. I saw four of them lying so far asunder that no man had beheld them." (Maspero, *Hist.*, Germ. tr., p. 276.)

in that of Lake Van, and the city of the same name; but the original name of the latter was Dhuspas, whence Western writers get the name of Tosp. When the Assyrian inscriptions themselves are silent about Urardhu, the date of Armenian kings, mentioned in the Vannic inscriptions, can still be conjectured by comparing the references in them to the kingdoms of the Hittites and the Milidians, with similar references by the Assyrian kings whose names are known.

In 857 and 845 B.C. Shalmaneser II. was at war with an Armenian king, Arame; and in 833 a general of his defeated a king Sarduris, who is doubtless the same as Sarduris I., the son of Luitipris, and author of two inscriptions in Assyrian. For something like a century after the accession of this king, we hear little of Armenia in the Assyrian inscriptions, the kings in the latter country having enough to do with lesser foes, a circumstance which, no doubt, favoured the aggrandizement of the house of Luitipris. The order of the Armenian kings is as follows:—

| | | | |
|---|---|---|---|
| Sarduris I., son of Luitipris, | contemporary with | Shalmaneser II., | 833 B.C. |
| Ispuinis, son of Sarduris, | ,, | ,, Samsiramman III. | |
| Menuas, son of Ispuinis, | ,, | ,, Rammannirari III. | |
| Argistis, son of Menuas, | ,, | ,, Shalmaneser III. | |
| Sarduris II., son of Argistis, | ,, | ,, Assurdan III. | |
| Ursa, | ,, | ,, Assurnirari II. | [B.C. |
| Argistis II., | ,, | ,, Tiglath-Pileser III., | 743 |
| Erimenas, | ,, | ,, Senacherib. | |
| Russas, | ,, | ,, Assurbanipal. | |
| Sarduris III., *circ.* 640 B.C. | | | |

Ispuinis left inscriptions in the cuneiform character, but the Vannic language, of which three or four remain, and have been copied; and those of Menuas, who appears to have been associated with his father, are comparatively numerous. Both he and Argistis must have had fairly long as well as prosperous reigns; indeed, the latter claims to have defeated the armies of Assyria, as well as to have conquered the country of the Hittites. On the east, Media set a limit to the ambition of the Vannic kings, but the country all round Lake Urmia, and around the Euphrates, from its source to Carchemish, submitted to Argistis, and only the revival of Assyria under Tiglath-Pileser III. put an end to the chance of Armenia becoming the centre of an empire, able to rival or succeed that of Nineveh. Armenia continued to be sufficiently independent and hostile to provide the natural place of refuge for the murderers of Senacherib. This was probably in the reign of Erimenas, whose son, Russas, sent an embassy to Arbela, desiring peace and friendship with Assyria, an example followed by his successor, Sarduris III.

The records of this pre-Aryan kingdom of Armenia are chiefly interesting from the philological and ethnic point of view. The Van inscriptions were long regarded as presenting as insoluble a problem as those of Hamath, and the comparative success of the last attempt at their decipher-

ment[1] is owing to the circumstance that the Assyrian formulas of conquest and imprecation are closely followed in them. Where this clue fails, it is likely enough that the translation may have to be revised in future, but several points are made clear. Nearly all proper names, whether of the kings or gods, end in *as*, *is*, or *us*, like those of the Kassites; and the affinities of the language are with Georgian, the only modern survivor of the archaic group of semi-Tatar tongues which evidently preceded the Semitic and Aryan families in Asia as well as Europe.

The language is inflexional, but more archaic than the Hamitic tongues in possessing no gender. The numerals begin as in Assyrian, is 10, and is 60, but 70, 80, and 90 are indicated by a unit plus one or more tens, etc., as if the sexagesimal notation of Babylonia were followed; and an inscription of Argistis, in which he speaks of dedicating one sixtieth of the spoil to the god Khaldis,[2] also looks as if 60 rather than 10 was the normal unit in the second "place." The fact is the more significant as the Assyrians, from whom the characters were borrowed, use for 50—the half hundred, as their system is virtually decimal, and  for 60 instead of 70.

The Urardhians used cave tombs, like all their congeners, and the word for them is akin to that still used in Armenia for a tomb, and in Georgia for the pits in which corn is stored, and to that used, according to Strabo, in Thrace and Cappadocia for the latter objects of utility. The mother of Menuas set up an inscription in his honour by an aqueduct, and called the monument "the place of the son of Taririas," that being her own name; and as inscriptions are always limited to the most familiar phrases, we may infer that such a method of describing the king's descent was not unusual. The compound substantive translated "family," means literally "children-household,"[3] and this again may betoken a conception of the family like that of the Iberians and Egyptians, in which the household as a unit is only fully established by the birth of children.

"The four Khaldises of the house" are enumerated among the gods receiving sacrifices by Ispuinis and Menuas, and so are the Khaldises of the citadel and the gods of the city; the phrase in the latter case bearing a close resemblance to the old Sumerian formula: "To the gods, the children of Khaldis of the city, an ox, two sheep." Khaldis in the singular is apparently the great god of the country, the father of its people, while multitudinous tutelary spirits bear the same name. It is impossible not to wonder whether we have a reminiscence of this ubiquitous deity in the Karthlos of Georgian tradition,[4] and it is certain that the explanation of

[1] The cuneiform inscriptions of Van, deciphered and translated. By A. H. Sayce. *Journ. Royal Asiatic Soc.*, 1882, pp. 377–732, and vol. xx. pp. 1–48, and 1893, pp. 1–39.
[2] *Ib.*, p. 614. [3] *Ib.*, p. 437. [4] *Post*, Book III. ch. v.

the name of Khaldæi given by the Greeks to the Chalybes lies in the use of the term Khaldias or Khaldikas, the people or race of Khaldis, to describe the men of Van.

The Aryan invasion of Armenia can hardly have begun before the sixth century B.C., and it is doubtful whether the change of language which was certainly effected, has not led to an exaggerated estimate of its ethnic results. The head of an Armenian ambassador to Assurbanipal belongs distinctly to the living type, which is shown by v. Luschau's photographs to resemble the most archaic forms surviving in Asia Minor. Of course we cannot hope to learn anything of the ancient laws of Van, any more than of the laws of Elam and Susiana, but such remains of archaic custom as can be found in modern Armenia can be interpreted the more confidently by the light of earlier parallels now that the affinities of the original inhabitants of the country are made clear.

## § 4. Babylonia and Assyria. From Tiglath-Pileser III. to Sargon.

If we return now to the annals of Assyria, there is no further scarcity of material. Tiglath-Pileser III.[1] (745–727 B.C.) became king of Assyria three years after the accession of Nabonassar, king of Babylon, with whom a new chronological era begins, while another Babylonian chronicle also opens with his reign.

It has been supposed that Tiglath-Pileser was an usurper of partly Babylonian extraction, mainly for three reasons: because there is no record of collisions between him and Nabonassar, though he attacked various Aramæan tribes, which had formerly been allies or dependants of Babylon; because his Annals were deliberately defaced by Esarhaddon, who can have had no personal grudge against him; and because his personal name, Pulu, was retained by him when he became king of Babylonia in 728. He must have been previously known by this name to account for its appearance in the Hebrew records, where Pul and Tiglath-Pileser[2] are treated as distinct persons.

At the beginning of his reign he claimed possession of Sippara, and talks of receiving the submission of Kardunias, while the land of the Chaldees paid him tribute and Merodach Baladan of Bit Jakin,[3] who subsequently became king of Babylon, was compelled to "kiss his feet." Elsewhere he speaks of ruling Kardunias, the wide land, and of offering bright sacrifices to the gods of Sippara, Nipur, Babylon, Borsippa, Kuta, Kis, Dilbat, and Erech, the unrivalled cities, and boasts that his priesthood was acceptable to these great gods. The Assyrian monarchy might not unfairly be described as including all the lands between the four seas, and,

[1] For his inscriptions see Schrader, *K.B.*, ii. p. 3–33, and Hommel, *G.B.A.*, p. 648 ff.
[2] 1 Chron. v. 26.
[3] The land of Jakin, like Bit Humri, after the founder of a thriving State on the Persian Gulf.

except Egypt, no civilized kingdom lay outside its influence; so that the terms used to describe the cities of Babylonia are full of significance and justify what has been said conjecturally about the importance and independence of the kingdom up to this time. The entry in the eponymous chronicle for 729 and 728 is "the king takes the hands of Bel," a ceremony performed every year by the legitimate king of Babylon, and apparently equivalent to consecration in that character.

The campaigns in Armenia have been already noticed, and the final victory of Tiglath-Pileser in 734, when the Armenian king was shut up in his capital, and the Assyrian army commanded all the country round, probably delayed for a couple of centuries the transfer of the seat of empire, ultimately accomplished under the Persians. Without this check it is likely that the Armenian monarchy would have assimilated and absorbed the elements of strength in Media and Persia, and have, in a way, forestalled the empire of Parthia. One of the names which recurs in the accounts of the king's western victories is Kustaspi of Kummuh, or Commagene, a district located on either side of the Euphrates, to the north of Bit-adini, and it is remarkable, if, as seems almost inevitable, we identify it with the Persian Gustasp,[1] as an indication of the extension to the north and west, beyond Armenia itself, of a population akin to that of the Median highlands.

In Syria and Palestine the alternatives of an Egyptian or Assyrian alliance had long been familiar, to princes who found themselves too weak for their safety, or not strong enough for their ambition. Thus Ahaz, king of Judah, sought the alliance of Assyria against Rezin, king of Damascus, and Pekah, king of Samaria, and according to the annals of Tiglath-Pileser, the death of Rezin and the capture of Damascus was followed by the death of Pekah,[2] and the carrying captive of the people of Bit Omri. Hosea, who afterwards revolted against Shalmaneser, was appointed by the Assyrians in lieu of Pekah.

The earlier passage in which the name of Azariah, king of Judah, occurs, is unfortunately imperfect; but it is clear that during the first part of the long reign of this king, the name and influence of Judah were "spread abroad" (2 Chron. xxvi. 8, 15), so that his alliance was sought by a Hittite federation, and Tiglath-Pileser had some trouble in reasserting his authority over his former tributaries.[3] Azariah is not mentioned, like Menahem of Samaria, as paying tribute, and the submission of Ahaz would, of course, be the more acceptable if Judah itself had never been definitely defeated before. Both the Hebrew and the Assyrian records begin at this time to record conflicts with Arabian kingdoms, and Dr. Glaser supposes Tiglath-Pileser to have penetrated as far inland as the

[1] Hommel, however, does not accept the identification.

[2] The expression of the annals is "I slew him," but this is not necessarily inconsistent with 2 Kings xv. 30, as Hosea would be represented as serving the king by slaying his enemy.

[3] The passage in question belongs to the year 738, and from this time onwards the Assyrian records help to control the chronology of the kings of Israel and Judah.

Djauf district;[1] the hills of Media and the deserts of Arabia mark the utmost limits of his expeditions, and are described in the same words—"a place which is far off."

In 726 B.C. Tiglath-Pileser was succeeded by a king who reigned for five years over Babylonia and Assyria, and bore in the latter country the name of Salmanasar, though in the former, like his predecessor, he continued to bear the personal name of Ululai. He is the Shalmaneser of Kings xvii. 3, who, when his tributary, Hosea, turned to Egypt for help to throw off the yoke, besieged Samaria for three years, and then carried Israel captive into Assyria. Egypt had just at this time been reunited under Sabako, the first king of the (25th) Ethiopian Dynasty, after the death of the ill-fated Bocchoris; but while she was ready to serve as an asylum for Syrian fugitives,[2] she was not disposed to repeat the campaigns of Thothmes and Rameses, and Hosea obtained no assistance thence. Sargon (721–705 B.C.) claims, it is true, the victory over Samaria as occurring in the first year of his reign, but the Jewish historians are hardly likely to have made the mistake of substituting the obscurer prince for their real conqueror, while it was easy for the Assyrian annalists to confound the year in which a campaign was decided, with that when the captives made in it reached their new destination. Besides, the national annals would have been left imperfect if victories, begun by a king who did not live to record them, were allowed to pass unchronicled; and, as it happens, no inscriptions have been found by this Salmanasar, except his name on a weight of two royal mina.

Sargon, who succeeded Shalmaneser as king of Assyria, may have been a Babylonian by birth, and certainly was much more than any of his Assyrian predecessors under the influence of primitive Babylonian ideas. His selection of the name, borne by the great traditional king of Akkad, is an indication of his sympathies. He and his descendants nowhere claim kinship with Salmanasar, though, as he succeeded without opposition, he may have been designated by the latter to succeed, either as a favourite officer or a son-in-law. In the Babylonian list of kings, Senacherib is described as belonging to a new dynasty, of Habigal, just as Ululai (Salmanasar) rather than his father Pul, is said to found the dynasty of Tinu. Esarhaddon, however, with whose father the dynasty resumes its Assyrian character, calls himself "son of Senacherib, son of Sargon," and "everlasting posterity of Bel-ibni, son of Adasu, king of Assur, offshoot of the city of Assur;" as if he wished to strengthen the claim derived from his immediate predecessors by a pedigree going back to the dim beginnings of the State.

On the death of Salmanasar in 721 B.C., the throne of Babylon was seized

[1] *Skizze der Geschichte und Geographie Arabiens von den ältesten Zeiten bis zum Propheten Muhammad*, vol. ii. p. 260.

[2] Hanno, a prince of Gaza, took refuge in Egypt in the later years of Tiglath-Pileser, and after the fall of Samaria, Sabako himself encountered the Assyrians at Raphia, and had to flee to his own country.

by Merodach Baladan, the king of the maritime country of Bit Jakin, and held for twelve years. He allied himself with Ummanigas, the king of Elam, who, according to the Babylonian chronicle, had defeated Sargon in a battle before Dur-ilu, in 720, and devastated Assyria with much slaughter. With the curious indulgence previously noticed in the dealings of Assyria with Babylonia, ten years were allowed to pass before Sargon turned his arms against these allies. In 709 he defeated Merodach Baladan, who fled to Elam, and in the same year, according to the chronicle, seated himself on the throne of Babylon; in the next year he grasped the hands of Bel, and captured Dur Jakin, the stronghold of the maritime provinces whence Kardunias had more than once had to accept a ruler. Hommel's view is that the *rapprochement* between the kingdoms of Nineveh and Babylon, indicated by their obedience to the same king, was partly voluntary on the part of the latter; when Babylon had to choose between incursions from the Chaldæan kingdoms of the south—where the remains of the Kossæan people had concentrated themselves—together with the Elamite and nomad allies of the latter, and annexation by the not more alien Assyrians, she may have preferred the latter alternative, or at least not have resented its being forced on her.[1]

The Chaldæans, "whose cry is in their ships,"[2] are evidently the same people as the followers of Merodach Baladan, who "trusted in the salt water;"[3] and as the Hebrew prophets always speak of the new Babylonian monarchy as Chaldæan, the reaction against Assyria must have been felt at the time to proceed from the south. Kardunias became pacific when it had absorbed the dominant Kassite minority which founded the Third Babylonian Dynasty, and if the Kaldu of Sumer were not themselves Kassites, they seem to have supplied the militant energy in Southern Babylonia, which lay dormant for centuries in the northern district of Kardunias or Akkad.

It has been ingeniously suggested that Sargon may have borne the Babylonian personal name, Irba or Iriba, and thus have been the king Jareb of the prophet Hosea.[4] He was not altogether free from the Assyrian foible of massacring his foes and flaying their leaders, but his domestic administration aimed sincerely at promoting the welfare of his subjects, and restoring those who had suffered from war and conquest to their customary liberties and privileges. In one of his inscriptions he calls himself "the diligent king whose speech announces blessings," and tells how "he directed his mind towards the settlement of suitable ruined places, the opening out of the ground, and the planting of reeds. He devised means to render the high rocks productive in which no blade had ever sprung.

[1] Winckler holds that the policy of the Assyrian kings was to absorb or inherit from Babylon, rather than to conquer it, and he supposes Sargon to have contented himself with the title of Viceroy or Stadtholder of Babylon, in order not to become liable to religious duties of worship, involving too prolonged residence in the city.

[2] Isaiah xliii. 14.

[3] Schrader, *K.B.*, ii. p. 69.

[4] Hosea v. 13; x. 6. Sayce, *Bab. and Or. Rec.*, ii. p. 18 ff.

In desolate places where no irrigation canals had been seen under any former king, his heart moved him to set up sheaves and let rejoicings be heard, and he fixed the bed of the water course, and opened the dams so that the water of abundance might pour in everywhere like a flood."[1]

This king "of clear understanding with strong eyes for all things, who grew up in counsel and knowledge, and waxed old in wisdom," provided the whole land of Assur with nourishment. Worthy of his kingdom were the storehouses "filled with the firstfruits, which save in the stress of hunger, and do not let corn, wine and incense (?) the delight of men's hearts, come to an end. In order that oil, the blessing of mankind, that heals ulcers, may not become dear in my land, and that the price of sesamum like that of corn may be fixed, that meals corresponding to the dishes of the gods and the king may be well ordered, tariffs (?) with the prices fixed for everything were set up in its borders."[2]

When himself about to erect palaces and temples in the cities he restored, he declares: "In accordance with the meaning of my name,[3] to give protection with right and justice, to guide the powerless, and not to destroy the weak, as the great gods have called me, I gave money for the plots of land in the town, silver and copper to their owners, according to the tablet of prices, and that I might not do evil, to those who would not take money for the land, I gave a piece of land opposite to the land, the place of their countenance," *i.e.* of their original possession. In his character as king of the Four Regions, the beloved of the great gods, he "ordered the worship of Sippara, Nipur and Babylon, succoured their poor, composed their quarrels (?) . . . extended his shadow (shelter) over Haran, and wrote out the statement of their rights as men of Anu and Bel."[4] If this is the correct rendering, the allusion must be to the sanction of the gods invoked in all legal title deeds, and elsewhere he speaks of renewing the "lawful regulation of ownership in Haran and Assur, which had long been forgotten when the sovereignty over them was lost."[5]

No doubt before the rise of Assyria, Haran had been in every sense of the word a free trading city, and the imposition of taxes or tribute upon such a cosmopolitan emporium would only be proposed by one of the less intelligent of the Assyrian conquerors, whose nominal sway was sustained by nothing more permanent than the presence of his armies. Sargon proposed to restore the good old times of municipal self-government, and it is possible that if his reign had not been cut short, he might have established a durable and civilized empire, extending from Armenia to Arabia, and from the land of Elam to the Mediterranean. Towards Babylonia proper he assumed the attitude of a liberator from the tyranny of Bit

[1] Hommel, *G.B.A.*, p. 685.
[2] F. E. Peiser, *K.B.*, ii. p. 45.
[3] Sarru-ukin means "the king has ordained," but the Assyrians seem to have read it Sarru-kinu, "the true" or perhaps rather "the right king," which again might be understood, the legitimate or, as here, the righteous king. *Ib.* p. 47.
[4] Hommel apparently renders the same passage "as warriors of Anu and Dagan (the king) imposed laws on them."
[5] *K.B.*, ii. pp. 41, 53.

Jakin; and after the destruction of Merodach Baladan's citadel, according to the Annals, he released the sons of the Babylonian cities Sippara, Nipur, Babel, and Borsippa, who were held captive there. "I opened their prison and let them again behold the light; their fields, which long ago, during the occupation of the country, the Suti had taken away and appropriated to themselves, I gave back to them; the Suti, nomad tribes, I smote, and restored to their (former) condition the lands taken away by them. Ur, Erech, Eridu, Larsa, Kisik, Nimit-laguda, I again made independent; their ravished gods I led back to their towns and renewed the offerings which had fallen into oblivion." [1]

Some of the traits disclosed in the above passages—such as respect for the rights of cities and regard for the ownership of land, the regulating of prices and the concern on the part of the State that they should be kept uniform and moderate—may have been characteristic of the economy of ancient Babylonia, rather than of the reforming zeal of Sargon, but it is peculiar and personal to him alone of the kings of Assyria to dwell at length, with pride and pleasure, upon these instances of good government, as of equal importance with his conquests and erections. This virtuous ruler was assassinated in 705, but as Senacherib his son, who reigned in his stead, reverted to the less amiable Assyrian type, one is justified in suspecting him to have fallen a victim to palace treachery rather than popular ingratitude; the rather that the relationship acknowledged by Esarhaddon is studiously ignored in Senacherib's inscriptions, while his name, "O Sin, multiply the brothers," suggests that he was a younger son and probably not lawfully designated for the succession.

### § 5. From Senacherib to the Fall of Nineveh.

Senacherib's reign in Assyria lasted from 704 to 681 B.C., but the Babylonian chronicle only recognises him as reigning for two years, from 704, and for eight years, from 688, while the Ptolemaic canon records an interregnum during all the years claimed for him. He is supposed to have appointed one of his brothers as vice-king in Babylon on his accession, but under one leader or another, the Assyrian yoke was resisted till 688, when after a prolonged and undecided conflict with Elam, Senacherib concentrated his forces upon Babylon, took the city, and after a carnival of plunder and slaughter, laid it level with the ground. Just that portion of the empire which his great father delighted to honour and conciliate, was the inveterate enemy of the son and the object of his remorseless vengeance. Something more than personal idiosyncrasy seems needed to explain this contrast: Sargon's mild liberalism showed itself in his sympathy for the kindred nation with an earlier tradition of respect for the popular will, and Senacherib's military ambition, associated however with military skill far inferior to his father's, led him to prefer the memory of the earlier, narrower and fiercer kings of Assyria, in whom religious and political

[1] Hommel, *G.B.A.*, p. 685.

intolerance were blended so that one or other could never fail to furnish an excuse for war.

During nearly a century (721–626) the house of Sargon retained some part of the conquests secured by its founder. Once more, as nearly 1,000 years before, the kingdoms of Egypt and Mesopotamia came into collision, and as before, Syria and Palestine were the field where the struggle for supremacy had to be fought out. Egypt was now strong enough to be formidable, and especially strong enough to seem a desirable ally to all who sought to throw off the Assyrian yoke. But Egypt had no turn for political administration, and did even less than Assyria towards annexing the districts which paid her tribute, while she cared nothing for allies or dependants who only promised political or military support. Her intervention in the affairs of Syria thus only had the effect of showing her great rival that there were no impassable barriers between Memphis and Megiddo; while the fruitless Egyptian expeditions of Esarhaddon and Nebuchadnezzar only smoothed the way for the future conquests of Persia.

The story of the campaigns of Sargon and his successors forms an interesting chapter in the history of the Old World, because it shows the new national forces which were coming into being. If the age of Thothmes and Karaindas may be called the Cinque cento, the Elizabethan age of the Old World, the seventh century B.C. stands towards the Middle Antiquity of the classical era somewhat as the same century A.D. does towards the history of modern Europe. A new civilization in each case was beginning to arise, of new materials, cast in a form determined partly by antagonism and partly by imitation. When Greece and Rome divided with Carthage the mastery of the West, Nineveh and Babylon were a memory and a power, such as Rome and Byzantium became, when the kingdoms of Northern Europe were growing into strength.

In this seventh century, the Assyrians, in vindicating their title of rulers of the world, were obliged to extend their pretensions beyond the familiar territory of the Hittites into Cilicia and the land of Tubal. The way was opened for constant pacific intercourse with lesser Asia, when the Assyrian kings gave their daughters in marriage to their most distant tributaries; and the raids of the Cimmerians from the far north-west could not be repulsed, without revealing unexpected distances in the Four Regions, which their titular monarch could not hesitate to explore. One of the least sober passages in the Assyrian annals is that in which Assurbanipal describes his relations with Guggu, king of Luddu (= Gyges, king of Lydia), "a region beyond the sea, a distant place, the very name of which the kings my fathers had not heard," a place indeed so remote that Assyria, where all the languages in the world were known, could not produce an interpreter who understood its speech.[1]

According to the Assyrian annals, Gyges, when threatened by an invasion of the Cimmerians, was warned in a dream by the god Assur: "Embrace the feet of Sardanapalus, and in his name conquer thy foes."

[1] Hommel, *G.B.A.*, p. 725 *n.*

While he obeyed this oracle he was victorious even over assailants who themselves defied the king of Assyria and his ancestors; but afterwards, when he trusted in his own strength and sent troops to the aid of Psammetichus, king of Egypt, his justly offended protector invoked the vengeance of Assur and Istar, praying them: "May his corpse be cast before his face, and may they carry away his bones!" And it was so, for the Cimmerians came and subdued his whole land. But his son Ardys sent messengers to acknowledge the king of Assyria as king and god, saying,—"Thou didst curse my father and evil befel him, but to me thy reverent servant be gracious and lay not thy yoke upon me."[1]

The last great king of Assyria is the most imaginative, and it is unusually difficult to ascertain from this record what really passed between him and the king of Lydia. But the father of western history was surely well inspired by *his* imagination, when he opened his record of "the great and wonderful actions of the Greeks and the Barbarians," with a story of the Lydian kings, following the mention of Phœnician traders, whose vessels were freighted with the wares of Egypt and Assyria; for it was in Lydia, and through Phœnicia, that both empires came in contact with Greece. In the seventh century the sphere of Assyrian influence reached as far as the river Halys, while the Lydian kings gradually claimed authority over all the nations to the west of that boundary.

In 678 B.C. Assyria had been seriously alarmed by the threat of a Cimmerian invasion, and the defeat inflicted on the northern hordes in Hubuschia only just sufficed to save the north-eastern frontier of the kingdom from their inroads. This was in the reign of Esarhaddon, and it is probable that the effective resistance offered by Assyria helped to turn the course of the Cimmerians decisively to the west.[2]

The Assyrians use the word Kutu as a general term for the mountain people on their east, and the Cimmerians and the people of Manna are on occasion included under it with the Medes. And it is perhaps owing to this confusion that Tiuspa, whom it is scarcely rash to identify with Teispes, the Achæmenian, is described as leading the Cimmerians and being himself a Manna warrior. In Persia and Cappadocia we know, what is only matter of conjecture or inference in the Mediterranean settlements further west, that the first bands of the new Aryan or Indo-German race were, to all appearance, merged in the former population, and that no immediate change of nationality was obvious, except in the name of the ruling house. To the Jews a later king of Persia was still Darius the Mede, and the readiness with which Babylon accepted, not to say welcomed, the substitution of Cyrus for Nabonidus is probably to be explained by the

[1] *Ib.*, p. 726. Jensen (*K.B.*, ii. p. 173) concludes, "and let me" or "may I bear thy yoke."

[2] Hommel argues (*G.B.A.*, p. 723) that the first historical appearance of the Cimmerians is in the plain of the Araxes, and that as they appeared on the north-west of Assyria eighteen years earlier than in Lydia, it is at least as likely that they came straight to the former point from S. Russia over the Caucasus and thence to Asia Minor, as that they followed the Danube towards Thrace and turned back to Asia Minor.

impression that he was no more an alien, than the Kassite or Elamite kings, under whom Sumer and Akkad had often before enjoyed peace and security.

Sargon's reign, as already mentioned, began with the fall of Samaria. In 717 Carchemish was reduced to the condition of an Assyrian province, after a struggle for independence in alliance with the Moschi. In 715 he overthrew the Arabs of the desert, and received presents from Pharaoh, king of Egypt, Simsi, queen of Arabia, and the kings of the sea coast and the desert. About 710 he is supposed to have reached Cyprus, whence he received gifts from seven kings and where a stele, now in the Berlin Museum, was set up in his honour. His campaigns against Armenia and its allies in the east and west practically secured Cilicia for the empire, and from the land of the Moschi to that of Man and Media, the threatening element was held back if not subjugated. The name of his adversaries, however, shows the steady advance of Aryan tribes.

Senacherib's conquests in Syria were neutralized by the failure of his attack on Tyre and the disasters which befel the army sent against Hezekiah, king of Judah. The importance of this prince is not exaggerated in the Jewish chronicles. Carchemish, Hamath, Damascus, and Samaria had succumbed in turn, and the king of Southern Babylonia, who still defied the power of Assyria, could find no nearer ally than Hezekiah on the west. Assyria had no allies, only reluctant tributaries, and hence the confederacy, into which Merodach Baladan sought to bring Elam, Judah, and Egypt, was powerful enough to inflict a serious check. The nature of the calamity which befel the army of Senacherib, which Egyptian and Jewish tradition agreed in regarding as miraculous, is not known, but it was sufficiently serious to put an end to his aggressions in that quarter, so that Hezekiah ended his days in peace, and Tirhaka was able to add the crown of Egypt to that of Ethiopia, and was unmolested from without for nearly thirty years after the retreat of Senacherib. The latter's campaigns in Southern Chaldæa had equally equivocal results, and his eldest son, whom he appointed king of Babylonia in 699, is only recognised as reigning six months, the effective and disastrous conquest being delayed till 688 B.C.

Like his father, Senacherib had to contend at the same time against the Chaldæans and the Elamites, with whom were associated all the inhabitants, old and new, Medes and Persians, of the eastern mountains. In Cilicia, where he is said to have founded the city of Tarsus anew, it is possible that he came for the first time in direct contact with the Greeks; but the intervening barbarians, whose kinsmen were shortly to sweep away every trace of the Assyrian empire, prevented any serious rivalry between these representatives of the old and the new order.

The thirty years' truce between east and west was broken by the refusal of tribute on the part of Tyre, the city relying upon the "broken reed" of Egyptian succour, with the result that Esarhaddon (681–668) added to the titles of his predecessors that of king of Egypt, and in his third Egyptian campaign (670), after three sanguinary battles, became master of Memphis,

extending his conquests at least as far as Thebes. Tirhaka subsequently recovered Memphis from Necho, the Assyrian nominee, and two other expeditions in the reign of Assurbanipal were needed to complete the expulsion of the Ethiopian dynasty and the establishment of Necho's son Psammetichus. Practically all that Assyria gained by these victories was to deprive malcontent Syrian princes of the hope of help from Egypt, and to cause such petty princes of the Delta, as had been partly independent of Pharaoh, to acknowledge the king of Assyria as their suzerain instead. Sardanapalus enumerates twenty Egyptian "kings" besides Necho as making submission to him, and the number helps to explain the extraordinary multiplication of potentates bearing this name in all the Assyrian inscriptions; for many of the so-called kings are evidently only nomarchs or semi-independent governors of towns.

Esarhaddon restored Babylon and repelled the attack of the Cimmerians and mountain folk under Teispes. He restored to some people of Northern Arabia, images of the gods carried off by Senacherib and a princess who had shared the same fate, with intent that the latter should be accepted as queen.[1] In fact, the Assyrian kings were in the habit of utilizing their rare moods of mercy, and keeping the young representatives of royal races, whom they had spared, in readiness that they might be able to set up, as a subject kinglet, a captive who had been "reared like a little dog" in the imperial palace.

Esarhaddon was succeeded in 668 B.C. by Assurbanipal (Assur begets an heir son) in Assyria, while Babylon, presumably by his direction, fell to the share of a younger son, Samas-sum-ukin. The Babylonian chronicle shows that this appointment was intended as a restoration of the independence forfeited under Senacherib, for it states that in the beginning of the new king's reign "Bel and the gods of Akkad left Assyria and entered Babylon."[2] The political interests of the brothers were not identical, and while Assurbanipal warred against Elam—as the slabs from his palace, now at the British Museum, show—the king of Babylon sought alliances east and west, among the men of the hills, the seas and the desert, and hastened the influences already at work for the destruction of an empire, which yet showed no external signs of impending decay.

The inscriptions of Assurbanipal are among the most copious and the most confidential of those bequeathed by Assyrian kings. He was an enthusiastic warrior, hunter, and student; a lover of women, enumerating with pride all the kings' daughters he condescended to espouse, and a devoted worshipper of the gods. Early in his reign he marched twice into Egypt, defeating a sister's son of Sabako, who had followed Tirhaka on the throne. He established Psammetichus as king of Memphis, but the troubles in Babylonia and Elam prevented him from reasserting his authority when the Egyptian ruler claimed independence, by the help of Ionian and Carian mercenaries, perhaps first sent to him as auxiliaries by Gyges, in that alliance which provoked prophetic curses from the Assyrian monarch.

[1] *K.B.*, ii. p. 131. [2] *Ib.*, p. 285.

It was not till the latter half of his long reign that Assurbanipal had disembarrassed himself of his brother and the Elamite allies of Babylon. About 640, five years after the pacification and reunion of Egypt, he was able to turn his attention to Arabia, where the Nabatæans in particular had joined the confederacy against Assyria. This people seems to have been widely spread, for Senacherib speaks of defeating them in Chaldæa, while his grandson found them established substantially upon the site of the monarchy which flourished seven hundred years later. The completeness of the Assyrian victory is measured in quaintly commercial terms; camels fell into their hands in such numbers that they were scattered like sheep among the people of Assur; throughout Assyria, camels cost only half a silver shekel in the market, and peasants could obtain slaves and camels for a handful of corn.[1]

Judging from contemporary records, there was nothing in the reign of Assurbanipal to intimate that his empire was doomed. It might be said that under Sargon the Assyrian empire was aggressive, and that now it stood rather upon the defensive, even in its attacks upon Elam and Arabia. But even after the event it is impossible to take any other view of the reign than as a brilliant and prosperous one. The sculptured annals of the king were never more animated and picturesque, so that even the antiquarian revival, to which we owe the invaluable bi-linguals of the royal library, was not prompted by the decay of original composition.

The history of the twenty years from the death of Assurbanipal (625 B.C.) to the fall of Nineveh (606) is obscure, and the interval allows time for the action of many disintegrating forces. According to Herodotus, the Medes attacked Assyria, the Cimmerians the Medes, and the Scyths the Cimmerians; and he attributes to the Scyths twenty-eight years of dominion in Asia, during which time their devastations extended from Assyria to the borders of Egypt. These are the people of Jer. v. 15–18, by whom Judah feared and just escaped destruction. The relation between the Scythian and Cimmerian incursions cannot, of course, be traced with any clearness; but there can be no doubt that the destruction of Nineveh, like the sack of Rome, was the result of such a double or treble movement of population as Herodotus describes; and that the Assyrian armies were destroyed by barbarians before the capital itself fell into the hands of the Medes.

The fall of the monarchy was hastened by the defection of Nabopolassar, a general of the last Assyrian king, Sarakus, who made himself king of Babylon, when sent to secure it for his master. The empire of Assyria was an artificial one, and the effect of the Median conquest was to resolve it into its elements. Media, Persia, Armenia, and Asia Minor were simply set free from its claim to authority; Syria and Palestine fell under the influence of Egypt till Nebuchadnezzar, for a brief space, reclaimed them for Babylon, while the border lands of Mesopotamia were laid waste by the barbarians. Assyria itself was not merely a small country, but as compared with Babylonia it was destitute of natural advantages. Larger

[1] *K.B.*, ii. p. 225.

dykes were needed to restrain the Tigris than the Euphrates, and even less of the soil was fruitful without irrigation. The chief cities were not on any great natural lines of traffic, and the incessant campaigns of the kings prevented any growth of population which might have enabled the adjoining countries to be annexed by the gradual expansion of the dominant nation. The transportation of whole conquered peoples, by which the Assyrians hoped to secure their conquests, had, in fact, the very opposite effect; it gave a population of discontented aliens to the provinces nearest the seat of empire, while the smaller bands of natives exported to the conquered countries, were absorbed there and did nothing to promote their loyalty. The very fact that it was possible to settle large bands of captives on Assyrian lands shows that they must have been imperfectly settled or cultivated, while the defeat of the Assyrian army set all who could escape the invaders free to return to their own countries.

All this contributed to facilitate the destruction of Nineveh, and to make the ruin of Assyria as complete as it was sudden. But the very suddenness of the destruction has helped to preserve the relics and records of her former greatness. The libraries of Babylon lived to be dispersed, and countless tablets, inscribed with all the wisdom of the Chaldæans, have disappeared gradually, like so much waste paper, in the course of centuries, while Mesopotamia was still populous and thriving, though all memory of the ancient language and learning of the people had been lost. The libraries of Senacherib and Sardanapalus, on the other hand, slumbered securely in the mounds of Koyoundjik, protected, by the desolation and oblivion which had befallen the great city, against all the armies of Persia, Greece, and Rome, as they swept past in chase of such world-wide empire as had first been dreamt of there.

## § 6. The New Babylonian Empire.

At the beginning of the sixth century, Nineveh was no more, but Egypt and Babylon seemed, on the surface, to be entering upon a new era of prosperity. Only the Hebrew prophets, with perceptions sharpened by patriotic griefs and fears, seem to have divined that both were themselves tottering to their fall; that the independence of Babylon the Great would not long survive that of Jerusalem, and that destruction was coming upon Egypt from the peoples of the north. Psammetichus had profited by the feebleness of Assyria to besiege Ashdod, and his grandson reached Abu-Simbel in the attempt to recover Nubia; but in all their military enterprises, Greek, Carian, and Phœnician mercenaries—whose signatures can still be seen on the colossi of Rameses II.—formed the chief strength, and with the introduction in mass of northern warriors, Egypt forfeited for ever the security of seclusion.

"The Ethiopians and Libyans that handle the shield" doubtless continued to form an important element in the force, as in centuries gone by; but though not themselves enough of aliens to endanger the nationality of

their employers, they were too much so to assimilate the new auxiliaries. Egypt was open now to foreign trade and foreign traffic;[1] the fame of Hundred-gated Thebes had reached the Homeridæ; three dynasties of kings not of native origin had obtained the crown; and, though the Shishaks and Sargons of Bubastis were naturalized Egyptians, and the kings of Napata as much Egyptianized as the Kassite kings of Babylonia were Akkadianized, their reigns prepared the way for the fatal cosmopolitanism of the Saite Dynasty. The Egyptian priesthood, which should have been the guardian of Egyptian nationality, had by this time lost its disinterestedness, and, like the Hebrew prophets, its members cared more about the piety than the patriotism of their rulers.

The kings of Judah were tempted by the hopes of an Egyptian alliance, because with Egypt behind and the various kingdoms of Syria and Northern Mesopotamia between them and Assyria, they hoped to be able to maintain their independence. The prophets of the opposition, represented by Jeremiah, thought it better for the people to pay tribute to a distant king of Assyria than to form alliances with Syria, Edom, and Egypt, which would give the gods of those countries a chance of winning Jewish worshippers. A policy of non-intervention with the protection of Jehovah and, at the worst, the occasional sacrifice of the Temple treasures, might always, as in the days of Ahaz, turn the tide of conquest somewhere else. Trusting in Egypt and in the chariots and horsemen—which Egypt never, in fact, sent to the rescue of any ally in need—was trusting in the arm of flesh, while it was always possible that a remote little kingdom, which gave no provocation, might be overlooked, and so the curious view confirmed, according to which the Assyrians were the instruments used by Jehovah for the chastisement of unbelievers, and rebellion against them a kind of impiety.

It must have been as the outcome of these prepossessions that the devout Josiah overshot the mark on the other side. As in the days of Sargon and Merodach Baladan a coalition was formed against Assyria, which this time was to prove successful, and while Nabopolassar, king of Babylon, and Cyaxares, king of Media, were attacking Nineveh, Necho invaded Palestine, to get his share of the spoils and to neutralize any Assyrian troops that might be in the west. At this moment Josiah thought it his mission to attack the Egyptians. He may have supposed that so useless a friend could not be a dangerous enemy; he may have believed once too often in the divine tolerance of Assyrian armies; or he may have thought that Judah, rather than Egypt, had a right to the reversion of the Assyrian supremacy, if other nations had really been called to effect its destruction. Any way the adventure turned out ill, and Josiah was slain at Megiddo, three years before the fall of Nineveh. Jehoahaz, his son, was carried into Egypt, and for a moment it seemed as if the

[1] The development of these may be measured by the discoveries of Mr. Flinders Petrie at the Græco-Egyptian town of Naukratis. *Naukratis, Egypt Exploration Fund Publications*, 1888.

whole country west of the Euphrates was to become subject to Egypt as in the days of Thothmes.

But this was not to be. Nabopolassar died the year after the destruction of Nineveh and was succeeded by his son Nebuchadnezzar, under whom the new Babylonian empire attained a splendour in which the military glories of Assyria were blended with the peaceful triumphs congenial to the ancient land of Sumer and Akkad. In 604 Nebuchadnezzar encountered Necho at Carchemish, and inflicted a crushing defeat; "and the king of Egypt came not any more out of his land, for the king of Babylon had taken from the river of Egypt unto the river Euphrates all that pertained to the king of Egypt."[1]

Jehoiakim, the Egyptian nominee, submitted without a struggle to Nebuchadnezzar, who reached Jerusalem probably about 601; but just before the end of his reign, 597, at the instigation of Egypt, he rebelled, and his son Jehoiachin was left to encounter the wrath of the king of Babylon. Ten years elapsed between the captivity of Jehoiachin, and the destruction of Jerusalem, and the captivity of Zedekiah in 587, which only calls for notice here, because, for the last time, vain promises of help from Egypt had been held forth by the refugees, who had found an asylum under Uahbra (the Pharaoh Hophra of Jeremiah).[2] The latter, after attacking Sidon, contented himself with naval expeditions entailing no serious risk, and it was Nebuchadnezzar who, after a long siege, received the submission of the Phœnician capital.

The domestic revolution which placed Amasis on the throne of Egypt (569 B.C.) did not prevent Nebuchadnezzar from carrying out the expedition provoked by his predecessor in 568; but he did not attempt the conquest of the country, so that, on the withdrawal of his troops, Amasis was free to fraternize with Greece and Lydia, and prepare for a favourable record with the rising literary race by gifts to the temple of Delphi. Since Egypt had become a maritime power, the alliance with Lydia, begun, to the disgust of Sardanapalus, in the days of Gyges and Psammetichus, grew closer and more effective; but Lydia and Cilicia had entered into alliance with Nebuchadnezzar; and by their good offices Lydia was reconciled with the Medes, after the battle of the Halys, fixed chronologically by the eclipse of the sun which accompanied it in 585 B.C. And while Babylonia remained at peace with Media, there was nothing to threaten the tranquillity of the Eastern world.

Nebuchadnezzar's inscriptions deal, after the fashion of Babylonia, almost exclusively with his architectural achievements, but he was certainly also a successful warrior, if less aggressive than his Assyrian predecessors. Jeremiah witnesses to his victories over the Arabs, and a town which he built at the mouth of the Euphrates, to protect traders against their incursions, itself became an important commercial centre. Hommel[3] believes that it was in his reign that Babel itself and the Euphrates obtained the commercial importance associated with their names, and that it was not

[1] 2 Kings xxiv. 7. [2] Jer. xliv. 30. [3] *G.B.A.*, p. 761.

till then that the trade of the world, from Armenia to East Arabia, took this course. The commercial activity to which the contract tablets bear witness from the age of Hammurabi is, however, scarcely reconcilable with a merely domestic trade, and it is possible that the political revival under Nebuchadnezzar only gave prominence to the state of things previously existing inconspicuously.

Nabonidus, the royal archæologist, succeeded to the throne of Babylon in 555 B.C., seven years after the death of Nebuchadnezzar, from whom he is separated by three insignificant reigns. A few years before, Elam, the old enemy and old ally of Chaldæa, had lost its independence and been annexed by the prince of Anzan, another ancient mountain State, mentioned in the inscriptions of Gudea. This principality is supposed to have formed the nucleus of the future kingdom of Persia, though the reigning house belonged to the Iranian branch of the new Aryan stock, instead of, like their predecessors, to the same race as the Elamites and Armenians. In 550 Media shared the fate of Elam, and the warriors of Astyages themselves surrendered Ecbatana into the hands of Cyrus. The Medes, like the Egyptians, afterwards soothed their pride with the fiction that Cyrus was the son of Astyages' daughter, and so perhaps by native custom, lawful heir, and Persia was allowed to inherit all the tributaries of Media, as well as the old feud with Lydia.

There is no need to tell here the well-known story of Crœsus and the fall of Sardis, but, from one point of view, its place is rather at the end of the history of the old world of Asia, than at the beginning of the new civilization of Europe. The conquests of Media, like those of Assyria and Egypt, had seldom been effected in a single campaign; and Crœsus might well believe, even after a first defeat, that he would have time before a new campaign to summon his allies from Babylonia, Egypt, and Greece. But he had reckoned without the new factor which makes history write itself with thriftless haste and a correspondingly ephemeral result. The Aryan is in a hurry; he fights as he builds, for the moment, not for posterity; and so Cyrus had carried the citadel of Sardis by surprise before the confederacy, which had formerly saved Hezekiah from Senacherib, could even be appealed to.

Sardis fell 546 B.C., and momentous as the event then seemed, it was of less importance by itself than by its indirect result in revealing the existence of Greece to Persia. For the moment, however, Cyrus contented himself with the conquest of Asia Minor, and then naturally turned his thoughts to the one kingdom near at hand which had a capital transcending by far any city of his own. Media and Elam, the old allies of Babylon, had been vanquished by Cyrus as well as Lydia, and a *casus belli* was supplied by the mere fact of such alliance. Nabonidus, indeed, was innocent of offence; he was digging for the foundation stone of Naram-sin when a more practical politician would have sought to rally Cush and Misraim, Phut and Canaan, and all the mixed peoples of the east and north, against the common foe. And with all his antiquarian zeal for the worship of the

gods, in some inscrutable way he alienated the literati of his own capital, so that the fall of Babylon was not even glorified by patriotic heroism.

A fragmentary chronicle, which shows how Babylonian scribes wrote the history of kings they disapproved of, records how, for instance, in his seventh year, "The king was in the town Tima, the king's son, the nobles, and his warriors were in the land of Akkad; he did not go to I-ki (Babel); the god Nebo not to Tintir (Babel); Bel did not come forth; the festivals were not celebrated; offerings were made in I-sagilla and I zidda to the gods of Babylon and Borsippa."[1] The drift of this and similar passages is evidently to complain that the king neglects the proper religious observances, omits to "take the hands of Bel," and has the images of the gods taken in procession, or not taken in procession, at the wrong times, or to the wrong places. The significance of the offences cannot now be divined, but it is possible that his historical enthusiasm may have led him to wish to restore the ancient cities of Sumer to their former glory and let Babylon count as third, after Nipur and Sippara, in the land of Akkad.

He seems to have offended Babylon without securing any special loyalty elsewhere. Nebuchadnezzar attempted to concentrate the worship of all the other gods at Babylon, without prejudice to the supremacy of Bel, and his innovations do not seem to have offended the priests of Babylon; those of Nabonidus must have had or been accused of an opposite tendency.

Whatever the secret history of his unpopularity may have been, the fact is clear. In 539 there was a battle between Cyrus and the soldiers of Akkad; but the people revolted, and Sippara was taken without a blow; three days later the warriors of Cyrus advanced on Babylon, and Nabonidus, who fortified himself there, was taken. The chronicle here evidently represents the official view dictated by the Persians, and we are assured that, though the siege lasted three months, no weapon was raised against I sagilla or the other temples, and none of their ornaments were damaged or carried off, and that when (Oct. 19, 539 B.C.) Cyrus entered Babylon in peace, the streets were filled to see him pass.

[1] Schrader, *K.B.*, vol. iii. pt. ii. p. 131. The same complaints are reiterated in the ninth year.

## CHAPTER V.

### *COMMERCIAL LAW AND CONTRACT TABLETS.*

#### § 1. General Features.

It is in the development of trade, and especially of banking, rather than in manufactures, that Babylonia and Chaldæa were in advance of all the rest of the world The most cautious Assyriologists are the least confident in their renderings of the numerous contract tablets from which, if they were accurately interpreted. we should certainly be able to reconstruct the laws and usages of the world's first great market place. There are two schools of interpretation, each deserving of respect and gratitude, which are nowhere more strenuously opposed to each other than in the treatment of these interesting and enigmatic documents. There are German scholars who will not allow that a text has been interpreted unless it has been parsed and the grammar of it explained—or perhaps corrected. And there are French scholars who have happy intuitions of the meaning of a sentence in which some of the words and most of the grammar are unknown. The one school may add to our materials a little faster than is safe, and the other a little more slowly than is necessary. But the impartial critic will admit that both are right in principle.

If a comparative philologist of forty and a child of five are pitchforked into a foreign country, it is probable that the child will be the first to understand and make itself understood, unless the philologist has the linguistic instinct, which is something quite different from a sound judgment as to the value of phonetic and grammatical forms. The instinct, which makes it easy to a few men to speak a score of languages as well as their own, may be applied to the interpretation of an unknown tongue, as well as to the acquisition of living foreign languages. Those who "pick up" a language easily begin to speak the one they are learning before they know it. In the case of living languages they correct themselves by further experience; and in the case of tongues as dead as Akkadian and Assyrian, their guesses need revision by the stricter grammarians who overtake them in time. But even grammar cannot exist *in vacuo*, and a foreign language is liable to be incorrectly parsed until its idioms are understood. It may be said of French translators as a class, that they translate with more spirit and fidelity, *in proportion to their knowledge*, than those of any other nation. And this praise, which is of doubtful value when knowledge is to be had for the seeking, really counts for something when the materials for exact knowledge are wanting.

In the particular case of the contract tablets and similar texts, which MM. Oppert and Revillout have attacked with more courage than other Assyriologists, it is certainly a point in favour of the general accuracy of their renderings that they give a view of the laws and customs of mercantile Babylonia, which harmonises completely with all that is known of the affinities of the earliest inhabitants. Hommel, who has not made a special study of these texts, and is more interested in their historical import than in the minutiæ of verbal interpretation, was content to base his remarks on the work of the brothers Revillout;[1] and though corrections may doubtless be made from time to time by the original translators themselves or others, in the main we may accept the stories of sales and partnerships, loans and mortgages effected 4,000 years ago, as not much more uncertain than other early and difficult texts, historical or magical.

The following account of Babylonian usages is derived from the text of M. Revillout's work, to which a general reference may suffice, points of special interest being reserved for consideration later. It is confirmed in essentials by the later work of Meissner, who has translated over one hundred deeds of the age of Hammurabi and his successors.[2] In Chaldæa every kind of commodity, from land to money, circulated with a freedom that is unknown to modern commerce; every value was negotiable, and there was no limit to the number and variety of the agreements that might be entered into. In Babylon, unlike Egypt, acts are bilateral in form as well as substance, when the nature of the case requires it. But brick tablets did not lend themselves readily to "book-keeping," as no further entry could be made after baking, while the first entry was not secure unless baked at once. Each brick recorded one transaction, and was kept by the party interested till the contract was completed, and the destruction of the tablet was equivalent to a receipt.

Babylonian law allowed debts to be paid by assigning another person's debt to the creditor; a debt was property, and could be assigned without reference to the debtor, so that any formal acknowledgment of indebtedness could be treated like a negotiable bill—a fact which speaks volumes for the commercial honesty of the people. A separate tablet was, of course, required to record the original debt, or rather to say that So-and-so's debt to Such-an-one has been by him sold to a third party. Such third party could again either assign his claim to a bank for a consideration, or if the last debtor had a credit at the bank, the creditor could be paid out of that, a sort of forecast of the modern clearing house system. The debtor who pays before the term agreed on has to receive a formal surrender of the creditor's claim, or a transfer of it to himself. The Babylonian regarded money and credit as synonymous, and the phrase,

[1] *Les Obligations en droit Egyptien comparé aux autres droits de l'antiquité, par E. Revillout, suivies d'un Appendix sur le Droit de la Chaldée au 23me siècle avant J. C., par Victor et Eugène Revillout.*

[2] *Beiträge zum Altbabylonischen Privatrecht.* Bruno Meissner, 1893.

"Money of Such-an-one upon So-and-so," is used as equivalent to A's credit with B

The form for the sale of real property, in Babylonia, was borrowed from that of judicial sentences: it declares that the price is paid, the article delivered; there is no going back, and a penalty of twelve times the price is pronounced against any one who even wishes to do so. In the later contracts the purpose of the penal clause is to bar the right of relatives to redeem the land sold at the price paid for it. It is invoked expressly against brothers, sons, relations, male or female, and men of the same country, or of the same tribe or gens. Evidently by primitive Akkadian law, as by that of most other races, the family and the tribe had a right of pre-emption in regard to land held by any member of the stock. When this right was found to impede the free circulation of property, to which the commercial Babylonians attached so much importance, the penal clause, by which it was barred, came to be included, as a matter of course, in all deeds of sale, and when, notwithstanding the clause, it was desired to repurchase, for the family, land alienated by one of its members, some error of form in the sale was alleged to bar the penalty. In the Acts found at Warka, the ancient Erech, the vendor of land not only waives the rights of his relatives, but undertakes, as in Egypt, to protect the purchaser against all third parties

In Babylonia all *bonâ-fide* possessions were put into circulation as forming commercial capital, and credit was only given upon such real security. The security being good, the rate of interest was comparatively low, normally 20 per cent., and in some cases only 13. At Nineveh, on the other hand, the rate of interest varied from 25 and 33 per cent. to 50 and even 100 per cent; the Babylonian custom of lending on pledge not being uniformly followed, bad security involved high interest.

In ancient Babylonia, as in modern China, the normal effect of a loan was supposed to be beneficial to the borrower. In Egypt, judging from the form of the deeds, the idea was that the creditor asserted a claim upon the debtor, or the debtor acknowledged a liability to the man from whom he had borrowed. In Babylonia the personal question is scarcely considered; one person owes money to another—that is the commonest thing in the world—such loans are in a chronic state of being incurred and paid off; one man's debt is another man's credit, and credit being the soul of commerce, the loan is considered rather as a part of the floating negotiable capital of the country than as a burden on the shoulders of one particular debtor.

## § 2. Babylonian Mortgages.

The most characteristic of the commercial usages of Babylonia has already been described in connection with the Egyptian adaptation of it.[1] The antichretic mortgage is found full grown in the twenty-third century

[1] *Ante*, p 183 ff.

B.C., and its invention must be one of the earliest achievements of the primitive Sumerian race. In one form or another it is met with in China, Malabar, Egypt, the Berber and Basque countries; and, finally, under the name of "a Welsh mortgage," has got itself recognised in British law books.[1] It is so important and characteristic a feature in Babylonian law that it deserves the first place now.

There are a number of contracts containing the formula: "There is no rent for the property and no interest for the money."[2] A lease of land or houses in Babylonia was often exchanged for the use, during the same time, of a sum of money[3] of equivalent value, the rent and the interest being set against each other. These contracts take us back to the natural foundation of the practice of "paying interest" upon loans. When the habit of owning property is formed, a distinction is drawn between articles which have a momentary value in use, such as food, and those which in their nature tend to multiply, and therefore are worth, prospectively, more than their present value for consumption. The typical example is the measure of corn which can be ground to make bread now, or used to sow a field to make more corn next season. The progress of trade causes silver to be accepted as a general standard of value and medium of exchange, and therefore, though it does not multiply itself in this way, it can at any moment be exchanged for corn, cattle, land, or other articles which are naturally productive.

The man who lends or leases land surrenders the enjoyment of its prospective produce, which, of course, is estimated by the average productiveness of similar land. The man who lends or leases silver in the same way surrenders the prospective command of a corresponding amount of any other kind of productive property liable to come into the market, and accordingly the produce of money, as the Babylonians called it, would naturally be reckoned by the average productiveness of the commodities in which it might be invested. There was nothing unreasonable or intrinsically oppressive in this arangement, and it does not imply any standing inequality in the position of the two parties to it. To use phrases which have acquired their associations under another *régime*: the man who is the tenant from one point of view, is the capitalist from the other; he who, on the one hand, occupies the inferior status of debtor or borrower, on the other is the landlord, and that in a country where real property might advance rapidly in value.

In Malabar, where all varieties and degrees of the Babylonian mortgage are to be met with, we are also confronted with the paradox of a feudal lord who is technically his tenant's debtor; and a tenant at will, who holds a mortgage on his landlord's estate; and these phases of the same archaic institution justify the inference drawn as to its character in Babylonia. When the cultivating occupier is habitually a poor man, and the money-

[1] Appendix C.: "Welsh Mortgages." [2] *Les Obligations*, etc., p. 92.
[3] *I.e.* a certain weight of silver, coined money being as little known in Babylon as in Egypt.

lending capitalist a rich one, the bargain between the two is apt to be unequal. The destruction of the poor is their poverty; just because the cultivator's pursuit is, as a rule, comparatively unremunerative, if he is compelled to borrow, he must pay for the accommodation as much as will induce persons engaged in *more* remunerative pursuits to lend to him. Whether from the fertility of the soil, the distribution of property, or the social and domestic customs of the country, it is evident that in Babylonia, while landowners borrowed and mortgaged freely, they were not an impoverished class. In Egyptian enumerations of property to be sold or settled, the modern formula is "all the goods that I possess now or may acquire hereafter;" but the corresponding Babylonian formula, which corresponds to the one early Egyptian text of the kind,[1] says "all my property in town or country."

The well-to-do Babylonian had a house and garden in town, and fields and plantations in the country. The world-famous towns of Sumer and Akkad, like the Egyptian *nouit* and the Chinese village, contained the dwellings of a community which drew its support from the surrounding fields. This is the way in nearly all agricultural communities, and the only feature peculiar to Babylonia is the rapid growth of the cities, planted on the canals by which the plains were irrigated. The inscriptions habitually contrast the arable land which (owing to its being subject to inundation) is unfit for habitation, and the cities where men dwell. The number of the cities, in proportion to the area of the State, enabled them to contain a majority of the population, and at the same time to include so many whose interest and means of subsistence lay in the country, that the contrast or rivalry between townsmen and rustics as such perhaps hardly existed. A great deal of landed property, for instance, was held by bankers; men who wished to invest their capital in the culture of corn, oil, dates, or flowers for scent, gave their money to the banker to use in trade, and received, instead, the right to cultivate, for a given term or *sine die*, a corresponding piece of land.

The Babylonian did not willingly sell the lands he had received from his fathers; on the contrary, it is common for brothers, in dividing the family estate, to boast that they have added to it. But the more numerous and various their enterprises, the more impossible it became for them always to occupy the hereditary plot. They did not wish to sell, and it is significant and instructive to learn that, under these circumstances, the natural thing in Babylonia was to pledge or mortgage the land rather than, as we should say, to let it. The candidates for land must, therefore, as a rule, have been moneyed men. The use of the land was given by a would-be trader, in exchange for the use of the money given by a would-be cultivator; and the Sumerian-Semitic vocabularies in which the commercial common-places of that old world are enshrined, ring the changes accordingly upon the phrase: "House against money they have made equal." "They have established the equivalent of a field (or a garden, or a slave), in money."

[1] *Ante*, p. 203.

This system of exchanges is more ancient than the contracts which we call respectively leases and mortgages. The owner in any case surrenders the use of his land, just as much as if he gave it in pledge, and the distinction turns upon the ability of the person acquiring the temporary use to pay for it in full at once. If he does so—and in Babylonia this was the normal arrangement—the bargain is one for the exchange of use, for which it is convenient to borrow the Greek term, antichresis. If not, the value of the land is paid by instalments, in advance, and these payments no doubt serve as the first historic example of a real rent. In the rest of the Old World the idea of rent, as a payment due to landed proprietors from the cultivating class, seems to have begun with the payment of a land tax to a political superior; but in Babylonia, where every imaginable form of contract seems to have been recognised or invented, rent, in the wider sense, commercial as well as agricultural, had come into existence in this form. When the money equivalent of the article leased was paid by instalments, *i.e.* as rent, the Babylonian contracts stipulated for a penalty of double the yearly rent in case of unpunctuality. And this again is characteristic: the landlord has no lien on the tenant's real property; he enters into this kind of contract because he wants money, not farm produce (which is all the right of distraint would give him), and therefore a money fine suits him best.

Babylonian law also recognises pledges given merely as security, without their value in use being set against the interest of the debt, and in that case the debtor could free himself at any time by paying off the loan; but in the reciprocal or antichretic borrowings the repayment had to be made at a date agreed on. As in Egypt, if the goods were pledged to their full value, and the loan was not paid off when due, they passed by previous stipulation to the mortgagee. One contract sufficed to acknowledge the debt, give the pledge for repayment, and transfer the ownership of the thing pledged in default of such payment, while in Egypt a final separate deed of transfer was always needed.

A pledge may be pledged again, or sold or let; thus the right to dispose for a time of the services of a slave can circulate like a banknote or a piece of silver. When the owner of the slave pays off his original liability, the money passes from hand to hand, extinguishing all the engagements in which the slave had stood for the cash.

One is tempted to ask whether the "taking a pledge," which is so prominent a transaction among the ancient Jews, is not a Semitic corruption of the just and humane antichresis of primitive Babylonia. When the article pledged was of use to the debtor and not to the creditor, its surrender implies loss to the former without any corresponding benefit to the latter, beyond what he might obtain by a deed of conditional transfer. The first form of security recognised was, no doubt, the exchange of use; the second, a promise to complete the exchange of ownership under specified conditions.

It is even possible that the payment of interest, as well as the payment

of rent, may have begun with developments of the common antichretic contract. In some cases the owner of land, while pledging his property for a capital sum, did not desire to give up possession of it. In that case he might rent it from his creditor for a sum of money estimated as equivalent to the profit to be derived from the use of the property; and as this sum was calculated to equal the profit derived from the use of the money borrowed, he would really be paying interest on the loan, while keeping possession of the land as in the ordinary mortgage. If the debtor failed to pay the interest, he would still have between himself and the catastrophe of being sold up, the intermediate stage of a temporary surrender of his real estate. The creditor was supposed to derive the same profit from the rent, or interest, his debtor pays under these circumstances, as he would if employing some one to cultivate for him after taking possession himself. Even the rich land of Mesopotamia and the Nile was not expected to bear more than one profit; but this profit was enough to cover the wages or maintenance of the cultivating agent.

In Babylonia, third parties—usually, of course, bankers—often undertake to pay money at a given date for the person acknowledging a debt; and another kind of accommodation might be obtained. Supposing a person, or a firm, desired to purchase a property, and could only raise half the price, they applied to some capitalist to act as *rasutanu*,[1] that is, "arranger," or (temporary) possessor. They gave to him the money they could command at once, and he advanced the remainder, and effected the purchase in their name; but till the advance was paid off, he retained possession of the property. In effect the intermediary got the use of the *whole* property in exchange for *half* the price; and as he presumably did not want it himself, he might leave it in the hands of the vendor, receiving from him rent or interest proportioned to the whole price. If it was so left, when the real purchaser was ready to claim it, the rasutanu ceded his claim on the vendor, and after due declaration before the royal scribe the transfer was completed. The arrangement was really one of mutual advantage; for if the rasutanu got double interest on his money for a time, his client was enabled to make sure of a desired purchase at the convenient moment.

The Greeks, and especially the Athenians, used and gave a name to the Babylonian form of mortgage. M. Revillout quotes a Greek inscription in which a private person stipulates that, in consideration of a sum he has paid into the city treasury, he shall be allowed to graze his flocks on its public pastures;[2] and in this case, just as in the corresponding Babylonian contracts, it is an open question whether the equivalent of the money paid is to be regarded as interest, or the money itself as rent. In Greece, if land was mortgaged as a security, but not given up, the mortgagee might secure himself against the claims of later creditors by taking possession, and in general, the institution, which we must suppose to have

[1] *Les Obligations*, etc., p. 157.
[2] *Ib.*, p. 104.

been borrowed from disciples of Babylonia,[1] lost its character for moderation and mutuality in their hands. The father of Demosthenes had lent money to the owner of a shop with slaves, receiving the shop as a "going concern" by way of security; and it appears from the account of his inheritance that the shop paid on an average the equivalent of 33 per cent. on the original loan.

In Babylonia, where the rate of interest was comparatively moderate, it was not limited by law. Compound interest was not illegal, but a special contract was needed to enforce its payment, and any unpaid interest was regarded as forming a fresh capital, to secure which a fresh pledge had to be taken, as the original pledge did not become more deeply involved by accruing interest. If the creditor became uneasy, he might from time to time demand fresh sureties for repayment; and as strangers did not stand security, only relatives, their doing so made the whole property of the family available to secure the debt of one member. This explains the impossibility of strangers acting, as no one could answer for the member of another family, who might have to answer for any number of relatives of his own.

The evidence adduced by M. Revillout in support of the above conclusions is of two, or rather three, kinds. There are a variety of ancient bi-lingual texts containing laws, legal formulas, and the phrases most commonly used in commercial transactions; there are a number of contract tablets found at Warka, belonging to the period of the kings Rim-sin, Hammurabi, and Samsi-iluna; and there are a variety of contracts and other tablets dating from the later Assyrian and Babylonian monarchy, which in some cases help to explain the earlier documents. Intermediate authorities will, no doubt, be unearthed in course of time; but in the main we may assume that there was no serious breach of continuity between the composition of the Sumerian law-texts—which must be at least 1,000 years older than Hammurabi—and the revival of Babylonian independence following the fall of Assyria. Nineveh as well as Babylon had borrowed its law from the ancient cities of the south, and the pains taken to preserve a knowledge of the primitive Sumerian language bear witness to the continued validity of title deeds and legal formulas composed in it.

### § 3. Ancient Title Deeds and Contracts of the First Babylonian Dynasty.

It is owing, no doubt, to their serving as title deeds that the tablets about to be described were preserved. Every person who sold land gave over with it the tablet which recorded his own purchase, as well as all earlier records; hence it is possible, even now, to trace with extraordinary exactness the fortunes of a few specific plots of ground. From upwards

[1] It was probably derived from the pre-Hellenic maritime nations of the Mediterranean, whose kinship with the primitive inhabitants of Babylonia is discussed subsequently.

of thirty deeds analysed by MM. Revillout we take the following particulars, which, if somewhat tedious in themselves, yet deserve attention as the oldest records of the kind preserved in any country of the world.

In the reign of Rim-sin (otherwise Riagu), king of Larsa, certain property which had been held jointly by three persons, Ilani-erba,[1] Ubar-sin, and Mikrat-sin, was divided among them by deed, each receiving a house, a slave, and a piece of garden and field. They were not brothers, for the fathers of two of them are mentioned. M. Revillout supposes them to have been members of a commercial partnership, but this view also has its difficulties, as will be seen later. Ilani-erba went through the form of renouncing his mother by deed; he said to her, "Thou art not my mother," and she said to him, "Thou art not my son;" and, as in other cases, it is probable that this form was gone through to bar the claim he must otherwise have had to an equal share of her inheritance. He had presumably received his portion in advance, perhaps in connection with the property he held jointly with Ubarsin and Mikratsin.

Ilani-erba had two sons, and Mikratsin one. The former, Sini-nana and Apil-ilani, by a third deed,[2] buy a piece of cultivated land from the latter, Minanu, and his son Ilani-ituram. This plot is described as adjoining that held collectively by the sons of Ubarsin. The next deed shows us these five sons of Ubarsin dividing their property, consisting of houses, land, corn, silver, and some choice product called *nis*. The eldest son, called Ihi-Samas, took rather a smaller share of the buildings and rather a larger share of the land than the others: his share adjoins that of Ilani-erba. The house property divided by the brothers is about twice as much as their father had under the first deed of partition.

Still in the reign of Rim-sin, Sin-azu, mentioned above as a neighbour of Minanu, appears in another deed as buying two *sars* of land.

Sin-bel-saan, brother of Ilani-erba, bought from the latter and two other brothers a house, gardens, and plantation, "after the death of their father," so that Ilani-erba had not renounced his paternal inheritance. The renunciation of future claims on the mother's estate was not impossibly connected with a second marriage on her part, an occurrence which the next deeds bring before us.

[1] Hommel transliterates Ilu-irba, and calls the son Sini-Istar, instead of Sini-nana, but it will be convenient throughout to give the names after M. Revillout.

[2] As a specimen of these documents it may be given at length, Hommel having translated it after Revillout. "A garden and house, outlying property; on one side the house of Sini-istar, on one side the house the hereditary share of the sons of Ubar-sin; at one end the street, at one end the house of Sin-azu; Sini-istar, the son of Ilu-irba and Apil-ili his brother have fixed the price with Minani, son of Migrat-sin and Ilu-itura, his son: 3½ mina of silver as its full price he has paid. For distant days, for future times, he shall not transgress or depart from (the agreement). The name of his king he shall invoke. Witnesses: N. the scribe; I. the notary, and eight others. His tablet agrees with the tablet of the witnesses. (Curiously, the literal rendering of the latter word by M. Revillout is "*conjuror*"). In the month Sebat, on the 26th day, in the year that Riagu the king, the enemies and adversary [overthrew?]. Tablet of Iriba-sin. Tablet of Idin-Samas. Seals of R. son of A., and of I. son of A. servant of the god. . . ." —*Gesch. B. und A.*, p. 381. *Les Obligations*, p. 277.

Meissner, No. 34, records a supplementary sale in which the parties are the same.

The sons of Zazia, in the reign of Rim-sin, mortgaged a house by antichresis to Sinimgurani, son of Ibbatum. The third of these sons of Zazia, Pirhoum, married a lady, Lamazou, who became, by a second marriage, the wife of Ilani-erba. The mortgage is paid off in another deed, by which she gives money, slaves, and a bill to her three sons (Sinisamas, Sinmubanit, and Saribuum) by other husbands, they renouncing all claims on the inheritance, which she reserves for Ilani-erba's children, Sininana, Apililani, and their two sisters. A receipt for ten shekels, given by Sinisamas, for the share deposited for him with his brothers, Sini-istar and Apilili, is also published by Meissner.[1]

Then we have a deed by which the sons of Pirhoum sell the house he had bought, to their half-brothers Sininana and Apililani. This house was bordered on one side by land belonging to Sinazu, but this is bought from his children by Sininana and Ibbasin.

There was a dispute between the purchasers, which the judges ended by declaring that two-thirds of the property belonged to Sininana, and one-third to Ibbasin. Sinimgurani, a son of Pirhoum, was the witness whose evidence decided the case. Sininana then executes another deed to exchange the "house of Ubaatum" for Ibbasin's share of Sinazu's land. But the sons of Pirhoum object to the terms of the exchange, alleging that a house included in their sale has not been reckoned; and as their intervention was allowed, we must suppose the sale by them not to have become absolute yet. These deeds are dated in the reign of Hammurabi, whose name is invoked with those of the gods Samas and Merodach.

In the same reign, Muhadum, son of Sinazu, sells cultivated land to Anasinemid, Pirhoum being mentioned as a neighbour; and a grandson of the same worthy, while his father was still living, sold a piece of land to Sininana and Apililani. The five sons of Pirhoum sell land collectively to their half-brothers, and some of them sell or mortgage individually besides. The latter deeds have the form of sales, but are cancelled subsequently on repayment of the purchase money; and, in fact, it seems almost as if the Babylonian mortgage originated with the idea that a man himself, no less than his kinsfolk, had a right to revoke a sale, or buy back the property alienated, *i.e.* that all cessions of ancestral property were naturally temporary.

Some of the property, belonging to Ilani-erba and his partners in the original association of three, must have remained undivided, for, in the reign of Samsi-iluna or of Hammurabi, their children divide by deed a quantity of cultivated land, each share of which is more than five times as much as the gardens of their fathers. A suit was brought by Iri-baam-sin, the second son of Ubarsin, and his younger brothers, against the sons of Ilani-erba, respecting the house and land which they had bought from the sons of Pirhoum; but Sininana made oath in a temple that he had bought them with money derived from his mother and not from common

[1] No. 27.

funds, and the declaration was received as decisive. In a further action about the ownership of four slaves, two were adjudged to him and two to Iribaamsin. These were probably friendly suits, for shortly afterwards Sininana stands security for Iribaamsin and his brothers, to the value of a camel, dates, and some palace *nîs*. As strangers, according to M. Revillout, did not stand surety, this is an argument for their being relations; their fathers perhaps were cousins, though not brothers; or they may have been half-brothers, on the mother's side.

The land of Sinazu, sold to Anasinemid, is sold again in the reign of Samsi-iluna, by him and his two sons, to Sininana and his brother. The price had risen between the first and second sale from $3\frac{1}{3}$ mina to $5\frac{1}{6}$. In later sales by this family, now one son acts and now another, as if they had already divided the inheritance, each still being partner with his father for his share. A deed by which Sininana and his brother pay $9\frac{2}{3}$ mina for a piece of ground, the hereditary share of Siri-hinam is worth notice, because another deed four months later records a further payment of two mina by the same, to the same for the same; in this, as in cases when the two payments are much further apart, the first advance was evidently of the nature of a mortgage which might be paid off.

One more purchase by the brothers, from Sininana's old partner Ibbasin, may be mentioned, because the land he sells to them had been bought by him from Etelkasin, whom we know as a father who renounced his son. Etelkasin and his wife acted together in endowing their eldest son and in forisfamiliating another, so that in considering the purport of this transaction, we must bear in mind that it was a very common one.

The above deeds, which are only specimens of a large class, are sufficient to show the character of the business transactions in vogue 4,000 years ago. As to their scale, M. Revillout has added together the sums paid by Sininana, according to all the tablets in which the figures are complete,[1] and without counting others, as to which this is not the case, the transactions in which he was concerned amount to a sum of nearly two talents of silver—or as much as the taxes paid by some first-class cities to the kings of Assyria. Of course this represents the turnover, not the capital of the Erech banking firm, Sininana and Apililani Bros., and many of the purchases of land, with which he is credited, were really only advances on Babylonian mortgage or antichresis, never intended to proceed to a real sale.

Sininana is proved to have been a banker, by a tablet respecting money deposited with him by Zikrum and Zabitum; the record has been preserved because the parties owed money to Sininana, and he wished for authority to apply their deposit in liquidation of the debt. The banker took, and kept, a receipt when he repaid a deposit or gave the cash equivalent for the use of land (Meissner, Nos. 28, 29), but it was stipulated on the receipt that the original contract should be broken. Apililani seems to have been a sleeping partner in the concern; the joint property of the brothers

[1] There are, however, different readings of the figures given.

probably supplied the capital of the firm, but the mere fact that they had not divided their inheritance is hardly a sufficient reason for supposing a commercial partnership to have existed. In nearly every transaction we find two or more parties concerned, and the obvious explanation is that joint ownership was the rule among members of the same family. It seems therefore, to say the least of it, possible that the partnership between Ilani-erba, Ubarsin, and Migratsin may have had its origin in such relationship. If it was a merely personal association for trading purposes, one does not see why the property of the associates should have continued to be held in common by their children, who on this hypothesis would not be related. If, however, they were sons of the same mother by different fathers, or were the sons of brothers who had not divided the property received from their father, the association would be explained, and that in a way more consistent with the nature of the only acts ascribed to it.

In the later Babylonian deeds, in which we certainly have to do with commercial partnerships, the property of the family and the firm sometimes get intermingled. For instance, when the father had been in business, his share of its capital and profits passed to his sons, of whom perhaps only one cared to succeed him as a partner. The other sons might, and sometimes did, leave the administration of their shares, to some extent, in the hands of the man of business of the family; and if M. Revillout is right in supposing the house of Ilanierba and Company to have represented a commercial rather than a family partnership, it is clear that the business passed into the hands of his eldest son, Sininana, subject to the obligation to pay off the other partners or their descendants.

According to M. Oppert, the earliest antichretic mortgage recorded belongs to the reign before Rim-sin: 1½ *sar* of dwelling house is exchanged for 1½ mina of silver; the money is said to represent the house, and is repaid when, after eight years' occupancy, the house itself is restored. In two other cases, when a house is held for eight years, and two *sars* of land for ten years, the amount of money accepted as equivalent is not named. And of course there is no mention, as in later Ninevite contracts, of the rate of interest to which the enjoyment of the property is considered equivalent. These two deeds are also given by Meissner,[1] who tries to interpret them as mere agreements to rent on the very disadvantageous footing of an English building lease, *i.e.* for the tenant to repair or put up the necessary dwellings and surrender them on the expiry of the term. The precise meaning of one word is doubtful, but the sense of two clauses is clear; that the tenant's term of occupancy expires in ten years, after which "on the house and the dwelling he has no claim." Such a clause seems uncalled for in a lease of modern type, in which it would be taken for granted that possession was given up when the term for which rent had been agreed upon (and paid in advance) expired; but if the normal agreement, so to speak, was a mortgage, the

[1] Nos. 66 and 67.

tenant would not go out, even at the date fixed by contract, unless he had been repaid the capital sum, the usufruct of which was regarded as equivalent to the usufruct of the house and land.

Instances of ordinary lettings are fairly common, and the marked difference in form between them and these deeds is most intelligible on the Oppert-Revillout theory. When a house alone is rented in the ordinary way, the only point of interest to be noted is the rent, which seems to have averaged a shekel yearly. We have three examples of that rate, in one of which one-third was to be paid in advance, as against one rent of five-sixths, one of one-half, one of one-third and 10SĚ; and that of one mansion,—clearly belonging to an heiress, as it is let by a woman and her brother (in that order)—let for two shekels, half a shekel or a quarter's rent to be paid in advance.[1]

The rent of land was evidently in some way associated with the rate of agricultural interest; and as there is no difficulty about the interpretation of the tablets respecting loans, it will be convenient to take these first. Out of eighteen loans recorded, five are from private persons, who lend money to be repaid, without interest, at harvest, the amounts ranging from one-sixth of a shekel to sixteen shekels; in two cases the money is borrowed for harvest expenses, *i.e.* wages of harvest labourers, so the loan must be for a short term, and in one case it is borrowed for food, for a fortnight. In three cases corn or money is lent till harvest, free of interest, by a woman described as Priestess of Samas. Money is lent once and corn twice direct from the treasury of Samas on the same terms. Once money is lent by a private person and once by a priestess, with the stipulation that the interest shall be paid to the god Samas; once a priestess of the god lends till harvest, when both principal and interest are to be paid to the god, and once a private person lends 1,440 ka of corn to be repaid, without interest, in two months' time to the god, not the lender. In addition to these three cases in which interest is to be paid, but is not exacted by the lender, we have two examples of purely commercial transactions—half a mina borrowed, for which interest is to be paid at the customary rate of 20 per cent., and 110 ka of corn borrowed, for which interest is to be paid at the rate of 100 for 300.[2]

All these transactions have their interest for us. The treasuries of the gods evidently served as a standing "house of abundance," to which the needy cultivator might apply in his recurring weeks or months of scarcity. Money lending could not thrive injuriously in a community where the largest capitalist—for who could compete with the great gods in wealth?—habitually lent gratis. And at the same time, the fact that the poor could always borrow from somebody else, may have helped to render those, who had money or corn to spare, willing to lend like the gods. It was clearly not the correct thing for well-to-do persons to take interest for loans of seed-corn or money for harvest expenses, the demand for which proved

[1] Meissner, Nos. 62, 68, 71; 70, 63, 64, 69.
[2] *Ib.*, Nos. 8–25.

the cultivator to be hard up ; and it is reasonable to suppose that when the personal relationship between lender and borrower was close and friendly, the payment of interest was waived without sense of degrading obligation. But the case might occur of farmers on a fairly large scale, who needed temporary accommodation, and could afford to pay for it at the market rate ; it would be beneath their dignity to borrow for nothing; as it was beneath the dignity of wealthy ladies and gentlemen to lend at interest ; so, as now, a fastidious suitor, who has been awarded damages in a Court of law, will pay them over to the County Hospital, the gentlemanly thing, in primitive Babylonia, was to agree to let your debtor pay interest to the temple, which used its spare funds in lending again. So the borrower would not "lose face," and the temple treasury would be replenished, while no doubt the god was indulgent in the case of bad debts. A still more effective and pleasingly modest form of charity was to lend the corn required free of interest, on condition of the principal being paid to the temple funds ; or, as there are two ways of looking at everything, we may imagine that prosperous borrowers, who were too ready to trade on their neighbours' liberality, might be constrained to repay money that they might otherwise be willing to retain, by the stipulation that it belonged to Samas, and not to the lender.

The purpose for which the money or corn is borrowed, is generally stated with engaging frankness, and of course the gods and their imitators could only be expected to lend without interest for beneficial uses. Tiles and oil, as well as corn, are lent without interest for a specified term—in the case of the oil till the sesamum harvest. In one case half a mina and eight shekels are given for the maintenance of the recipient, but with the proviso, which Meissner thinks cruel, that the money is to be repaid when—or if—asked for ;[1] but the stipulation probably means, what we are told goes without saying in modern China, that if a man who gave when he was rich becomes poor, those to whom he had given should repay him if they can. Many of the tablets in the cases of the British Museum refer to loans from temples, and we may certainly infer from them a substantial continuity of custom throughout the whole duration of the power of Babylon, or rather, from before the foundation of that city to the period of its decline. In 648 B.C., in the reign of Samas-sum-ukin, one Remat lent five-sixths of a mina to M. M. and K. his wife "for necessities. In the day when the face of the land sprouts (again), the money, five-sixths of a mina, in its full amount, M. M. and K. shall repay to Remat." The names of six witnesses follow, including a son of the borrower, a "son of the potter," and a scribe. A memorandum is added, to say that want and famine are in the land, and the people are dying for want of food.[2] Evidently want of food was at all times regarded as a sufficient ground for a loan without interest "till the land sprouts." Probably the reason for specifying the object of the loan is always to distinguish between loans

[1] *Ib.*, No. 19.
[2] *Records*, N.S., iv. p. 97. (Translation by Mr. Pinches.)

for necessity and loans for profit, the latter of which were naturally also numerous in a commercial country, and bore interest at well-known customary rates.

These rates are plainly derived from the pre-Semitic inhabitants, as the way in which they are calculated shows. The interest on the half mina in the loan mentioned above, is said to be at the rate of 12 shekels per mina, and in the more numerous later deeds, when the rate of interest is mentioned, it is as one shekel per mina per month; but as there are 60 shekels to a mina, this twelve per soss answers in form and substance to our 20 per cent. This was the legal rate, in the sense that it was the rate assumed to be due in the absence of other special agreement. In one of the bi-lingual tablets of Assurbanipal, it is laid down that "the interest of the city payable in silver is in all, two ik on one drachm, two drachms on ten drachms, and twelve drachms on one mina."[1] The word drachm itself (darag mana—one-sixtieth or one degree of a mina), shows that the divisions of money, like those of time, were ultimately derived from the primitive population of Chaldæa.

But while the normal interest on money was one in five, or 20 per cent., that on corn was, as in Egypt, one in three, $33\frac{1}{3}$ per cent. or 20 per soss, a proportion which is certainly more likely to have suggested itself to a people counting by sixties than by tens or hundreds. This fact, which is one of the strongest arguments in favour of a common origin for Egyptian and Babylonian law, was guessed at by the brothers Revillout,[2] on the strength of a deed from the eighth year of Nabonidus, by which a farmer in debt to Iddinamarduk, acknowledges himself as owing for principal and interest of a loan, 133 cor, 2 ephahs of corn, or just the amount which would have been due in Egypt on a loan of 100 cor. The contract now printed,[3] promising interest at the rate of one in three on a loan of 110 ka of corn, shows both that the conjecture was right, and that this rate of interest dates from the earliest times.

No explanation has yet been given of the existence or origin of this special rate, and none such is likely to be furnished by Egyptian records of any kind. There are, however, several tablets concerning leases, of which no very clear rendering has yet been given, which would perhaps become more intelligible if we could find in them also a key to the rate of agricultural interest. In three of them, the land is let for three years; four *gan* of field are let for three years or for one-third share;[4] a field is let to three people to cultivate for three years, for two years they pay 300 ka of corn per gan. "Rent must be paid for the third harvest. They shall build the dwelling together. On the day of harvest they shall divide all the corn that is there."[5] And again a field is rented for three years to plough, reap, and cultivate.[6] In all imperfectly understood languages, to

[1] *Les Obligations*, p. 55. [2] *Ib.*, p. 446.
[3] Meissner, No. 23. Besides the intrinsic importance of the discovery, it is a valuable testimony to the soundness of M. Revillout's method, and the acuteness of his judgment.
[4] Meissner, No. 72. [5] *Ib.*, No. 75. [6] *Ib.*, No. 77.

know what is meant is a great assistance in discovering what is said, and the translation of the second and most interesting of these texts might doubtless be improved if we knew the nature of the agreement contemplated.

In an important tablet dealing with the cultivation of the land, we find the phrase, "At the time of cultivation, he divided the field, he made three parts." This seems to have been the normal division, answering to "the custom of the city," as distinguished from special arrangements as to the share of the produce given by a cultivator to a landowner. Was this a variation on a primitive custom of taking land to cultivate for three years, one year's harvest being paid as rent? There are three elements go to make the crop—corn, land, and labour. The labourer sometimes required to borrow one and sometimes the other; if he paid a third of the produce for the land as a yearly rent, giving up the land at the end of the term, what more natural than that he should pay at the same rate for the borrowed seed-corn, one-third yearly (as interest), while the principal, like the land, was given back when the term expired? To us, no doubt, such an arrangement seems to exaggerate the value of the corn as compared with the land, but in the early days of agriculture, seed-corn may be actually harder to come by at the time of sowing than land; and as, in Babylonia, we find land constantly coming into the hands of new owners, who at all events will not have the seed for their new purchase on the spot, the borrowing of corn may have been practically but a buying by instalments, and the apparently high interest an equivalent for the cost of the preceding harvest, and the locking up of capital involved in storing grain for six months from harvest to seed time.

Other forms of agreement were in use, but two clauses in the ancient Babylonian Agricultural Precepts[1] show that rents, as we should call them, were calculated to some extent by the analogy of interest. In the first column, describing a form of tenure the description of which is unfortunately missing, the last paragraph runs: "For every sixty measures of grain the farmer takes eight measures, wheat produce, straw in stooks, grain thrashed and winnowed." Eight per soss, between 12 and 13 per cent. is the lowest rate of interest in general use, standing perhaps to the normal twelve per soss as 3 per cent. to 5 per cent. with us. In the second column, of which also the heading is lost, we read: "When the time of working comes, in a field of fifths the farmer takes one part;" that is to say by one common type of agreement, the farmer (? the owner) takes twelve per soss, the ordinary rate of interest for his share.

The text proceeds, according to Mr. Bertin's translation: "As for the other divisions, he takes the percentage according to the division. In a field of a third, he takes a third. In a field of a fourth, he takes a fourth. In a field of a fifth, he takes a fifth. In a field of a tenth, he takes a tenth." The case of the field of a third, and a field of a fifth, have been considered

[1] *Records of the Past*, N.S., vol. iii. p. 94 ff.

already; so that the only percentages named which do not correspond to regular rates of interest are the field of a fourth and that of a tenth, the last of which again has a counterpart in the tithe, reserved according to the same tablet, for the royal palace. The third column repeats the enumeration of "various kinds of divisions," meaning, no doubt, various tenures, taking their name from the division of crops contemplated under them. It is from the sense only that we have to judge whether the share specified is that of the cultivator or the landlord; but as agreements are described for giving him half the produce when he contributes half the seed and labour, as well as the land, it is scarcely likely that he should ever take four-fifths of the produce for the land alone.

There are two headings, rendered "a field of half" and "a field of partnership" respectively; the translation of the first will probably be improved in time, but it may be taken to describe an arrangement by which the tenant does all the work and the landlord finds all the capital, while at harvest the crop is inspected by the owner, who, to judge from the heading, gives half the crop as the wages of labour. In the "field of partnership" the contributions of the cultivator and of "the lord of the field" are in all respects equal; that is to say, they share equally in the expenses of seed-corn, oxen, and harvest labour. Unfortunately, the paragraph describing the division of the crop is wanting, but it is probably still halved, the difference between the two cases being that, in the partnership, as in a pure *métayage*, the landlord shares in all expenses and the tenant in all profits, while in the other case the cultivator finds nothing but labour, and has no share in the profits of the farming stock. If this be thought too much like a distinction without a difference, Assyriologists might be invited to try a rendering which should make the first clause apply to a *métayer* tenancy, and the second to an agreement for joint cultivation, like that of Meissner's contract, No 75.

Such an emendation, however, does not seem necessary in the face of the next tablet,[1] by which four gan of standing corn, part of the lands of Samas, the field of Arad Ulmassitu, the son of Taribu, is rented by Arad Ulmassitu and Amil Mirra, the son of Usati, for one year to cultivate. "They shall build the dwelling together (?). At the day of harvest they shall give back the field (?) and 'like right, like left' (*i.e.* in equal shares) pay the corn of the rent of the field. They shall give up the dwelling and share the stock in equal parts." The translator asks whether Arad Ulmassitu, the tenant, is a different person, of the same name as the landlord; but the agreement described resembles very closely that contemplated by the law tablet under the name of the "field of partnership," and it is quite intelligible as a contract between landowner as such and himself as co-tenant with a working partner. He takes the rent in one capacity, and in the other pays half of it and takes half the rest of the produce. The arrangement is like that of the Egyptian high priest, who sells to the high priest (himself) his own personal share in certain priestly

[1] No. 76.

emoluments; and by drawing the contract in this form one tablet served instead of two.

In other cases where land is rented for one year, the amount to be paid is mentioned in the contract, in lieu of a rate of percentage. Thus nine gan of standing corn are let at the rate of 1,800 ka for ten gan, by two women curiously described as priestesses of Samas and *sisters of Arad Sin and his daughters.* Tablets relating to the sale of lands and houses are of course useful in illustrating prices and measures, but do not add to our knowledge of Babylonian law. A house is bought from three people for one-third mina, four and a half shekels; another bought by one woman from another costs one-third mina, five shekels; ten *gin* of house are bought for fifteen shekels.[1] Sometimes it is said that "a full price" has been paid, but the amount is not stated; perhaps as the tablet is a record of the sale, not a contract to pay, it was more important to state that nothing remained due, than to record how much had been paid. In more than one tablet about sales and leases, there is a reference to some thing left over according to a former tablet, and in the case of sales of house property especially, it might be material to guard against the claim that a full price had not been paid, *i.e.* that the land had only been pledged, not sold. The bi-lingual lists of commercial phrases have a special phrase for "a perfect price" in contradistinction, no doubt both to the earnest money paid in advance and to the partial price advanced on security.

Exchanges of land and houses were common, especially in connection with the divisions of family property. In two such exchanges the parties swear by the name of the city of Sippara as well as by the gods. One of them is really picturesque. Two brothers exchange land held by them in common; they swear by Samas, Merodach, the king Hammurabi and the town of Sippara, that one brother will love the other; *i.e.* that they will not quarrel or go to law about the matter. The tablet is dated, incompletely but appropriately, "the fifth Tammuz of the year that King Hammurabi, the heart of the world in justice . . ."[2] In one case there is an exchange with a balance paid in money. The taking the city to witness along with the king and the gods is very interesting and archaic, and the fact that it appears twice, in connection with the disposal of what is probably ancestral family property, suggests that such sales may have required special formality and publicity, as when Ephron the Hittite sells his field to Abraham, for the price named in the audience of the sons of Heth, in the presence of the children of Heth.

It is possible that there were some ancient maxims of the law, preserved by tradition and liable to be quoted from time to time in legal decisions as formal laws might be in code-governed countries. Some sayings translated by M. Oppert seem to be of this type; *e.g.* "The judge will not give justice to him who will not hear his own conscience;" or, again: "He who does not divide his succession does not divide (? share) the

[1] Nos. 30–38. Cf. Appendix E. [2] *Ib.*, Nos. 48, 9.

honour of his succession,"[1] which may be read both ways; in praise of undivided families, or in censure of the elder brother who refuses to share when his brothers wish. Similarly, when brothers enter into a solemn contract "to love each other," there is a reference to some authoritative text like that which inspires the decision in an oft-quoted lawsuit, respecting one of the many partitions of property between the descendants of partners in the house of Ilanierba and Co.

Sininana and a son of Ubarsin were at variance and went to law, and the judges, after awarding an equal share (two slaves) to each, proclaim, according to the original version of Mr. George Smith: "Brother to brother should be loving, brother from brother should not turn, should not quarrel, over the whole a brother to a brother should be generous, the whole he should not have." Other later renderings seem still to lack finality, but it is clear that the text formulates the general principles acted upon by the priesthood, in its character as a standing Court of Arbitration, executing or revising deeds for the division of inheritances between brothers.

There are suits for the restitution of family property wrongly alienated; and suits respecting divisions in which the parties may be commercial partners rather than brothers.[2] On the dissolution of a partnership the property may also be divided with quasi-judicial solemnities; as is recorded of Rammaniddina and Arad Martu, who, in the year that Zabu entered into his father's house, went to Sippara, and in the gate of Samas they give back principal and property. Arad Martu takes all that he possesses with Rammaniddina and is gone away. "From mouth to money," *i.e.* from the first verbal contract to the transfer of actual cash, the business is concluded; they pledge themselves not to litigate or bring claims against each other.[3]

Contracts to deliver goods, presumably paid for in advance, and receipts for money or goods in discharge of similar contracts are fairly numerous; in one of these nine persons contribute jointly $3\frac{1}{7}$ shekels 5SE of silver *in rings*.[4] Contracts for hired labour enable us to estimate the relation of wages to rent, and prove the existence of a class of free labourers at this early date. The highest money wages promised are 6 shekels a year, to a man who is hired from his brother. One hires himself for six months for 2 shekels, and another for one month for half a shekel paid down. One is hired from his father for a year at the rate of $1\frac{2}{3}$ shekels 15SE, of which half a shekel is to be paid in advance; another father demands 2 shekels paid down; a third is content with 600 measures of corn, a quarter given in advance. In one case the contract is made with the mother of the labourer, for $2\frac{1}{2}$ shekels a year, the money to be paid to her; in

[1] *Documents juridiques*, p. 52.

[2] The Akkadian has the same kind of ambiguity as modern languages, and the words sometimes used are open to the interpretation "in relation to each other" in both of the senses of the phrase.

[3] Meissner, No. 79.

[4] *Ib.*, No. 85.

another, two youths are engaged for the harvest, for 300 ka, the mother of one and the father of the other contracting for them. In this case a penalty for breach of contract is imposed. The group [1] only includes one document in which the labourer is not said to be a relation of the person contracting for the sale of his services; in this case the wages agreed on are one-third of a shekel monthly. Apparently 6 shekels, or six times the rent of an average house, was a good wage, but hired servants were fed and perhaps clothed in addition. Ten ka of corn is a daily wage, and, though the data are insufficient to enable us to form an opinion as to the standard of comfort in the labouring class, such as we gather from Egyptian wall pictures and dietaries, we may note that the current proportion between rent and wages is almost identical with that described in modern China, a land of low prices and of high general average of material comfort, where a workman may earn six shillings a week, and the rent of a middle-class dwelling does not exceed one shilling weekly.[2]

### § 4. Commercial Phrases in Bi-lingual Syllabaries.

Besides the contract tablets, our only source of information respecting the agricultural and commercial life of the men of Sumer and Akkad consists in the bi-lingual syllabaries or commercial phrase books already referred to. Like other dictionaries, they are rather disconnected but not uninteresting or uninstructive reading. As a list of the "code words" [3] in use by the merchants of our modern Babylon tells us what messages the latter send most frequently to their correspondents, so these syllabaries give a clue to the nature of the customary transactions, by showing which words and phrases it was most important to a scribe to be able to render in the ancient speech of the law courts and the ancestral deeds.

The verbs conjugated in the syllabaries are "to sell" and "to buy," and the mere vocabulary is not without interest, as it shows the terms in use continuously between the earliest and the latest deeds. The Sumerian word for buying answers exactly to *mancipium*, and the same word is used for selling; a taking by the other party, as the Turks still say "take in sale" for buy. The delectus also rings the changes on the word *mercator*; the merchant may be great, small, weak, powerful, good, "exsistens" or "deficiens" (?) solvent or otherwise. "He weighs his money and measures his grain," [4] (a categorical statement which the modern speculative metrologist should perpend). "He pays according to his price,"—"the perfect price," or something else. The definition of the custom of the city, in the matter of interest, has already been quoted.[5] The same tablet gives the

[1] Meissner, Nos. 51–61.

[2] See *post*, vol. ii. chap. xxvii.

[3] "*Unicode: The Telegraphic Phrase-book.*" Single words serve for instance for such phrases as, "Do you confirm the agreement?" "We (or they) do (or do not) confirm the agreement;" and so for orders, to be given or cancelled, acceptances renewed or withdrawn, appointments made or altered, etc., etc.

[4] *Doc. jur.*, p. 12. *W. A. I.*, Pl. 13, 44, 5.

[5] *Ante*, p. 334.

phrases "interest" or increase "for a year," "for a month," and the important statement: "the interest of the city is one artaba (or one as) of grain in all," upon which an argument, not now required, was based to show that the rate of interest on corn was one in three. "Interest as agreed" is contrasted with the city rate. To require the "interest together with the grain" such an agreement seems to be needed.

We find also innumerable phrases on the subject of pledges, of which the significance has been elucidated by M. Revillout. The expression, for instance, which M. Oppert translated: "he made compensation with money for a field"—or a slave, a house, a garden, etc.—does not refer to compensation paid upon failure to redeem a pledge, but rather to the equivalence established between the money and the goods when the use of them was exchanged. The earliest deeds (*temp.* Hammurabi) do not contain the express formula met with in those of the new Babylonian empire: "There is no rent for the land and no interest for the money;" but this would be understood if such exchange was the normal primitive custom, unless any other agreement was expressly stated. Contracts of this period say: "When he brings the money, he can re-enter his house," or "sit in his field," "plant his garden," "take his (female) slave with him," or "have his (male) slave given back."[1] And in all these cases we may understand that until the money is brought, the lender of it enjoys all these rights.

Slaves are not numerous, from one to four being the number generally mentioned as owned at one time. The syllabaries have phrases about slaves, who flee from their masters' house, who "return out of the refuge," —perhaps an allusion to the right of asylum as possessed by Egyptian, Cappadocian, and Sybarite temples,—who "redeemed their servitude" and "pay money for their redemption."[2] A slave, in the reign of Rim-sin, sells for 10 shekels; another is bought for 6 shekels, and one-sixth as *sibiku*; a female slave costs 4½ shekels beside the deposit; and there is one contract for the delivery of light-coloured slaves from Guti, in one month's time, for 204⅔ ka of oil, the property of the god Samas, valued at one-third mina and two-third shekels of silver, which makes the ka of oil worth about one-tenth of a shekel. There is also a deed by which a man gives a female slave, M., and her future children to a woman, S., adding "Z (? a daughter of the slave already born) is also the daughter of S.,"[3] as if the object of the gift was to enable the woman to adopt the children of the slave as "her children," as Rachel and Leah are the mothers of Dan and Gad.

The tablet, which enumerates the different forms of holding, deals also with the cultivation of the land. It is measured by the plough, and the furlong (=furrow long), the strip used as the agricultural unit by all later cultivators of the soil, like most other elementary ideas, seems to be derived from Babylonia. There are various phrases on the subject of

[1] Meissner, *Introduction*, p. 9. [2] *Ib.*, p. 14.
[3] *Ib.*, *l.c.*, No. 5.

irrigation, which imply that contracts were modified when "he had irrigated the field with water." Similarly a reference to a "field of unfertility" is followed by the "lord of the field," evidently as the term likely to present itself next in any contract or suit. "He brought water by double and treble channels;" "he arranged the irrigation;" "he perforated the vacant (*i.e.* sterile) soil," are all phrases the scribe might require to use or understand in the ancient and the living language.[1]

The account of the seed required to sow given fields (20 *hin* to one *artaba*) gives, according to M. Oppert's calculation, thirty-fold as an average return.

The garden is to be marked out with stakes, and the distinction between garden and fields is so uniformly made that there can be no doubt about the existence of customs corresponding to the Chinese, by which the house stands in a garden, quite apart from the arable land tilled by the householder. The reluctance of landowners to alienate, and the ease with which they could reserve their right to resume possession and occupancy, seems to have operated unfavourably upon the cultivator's claim to fixity of tenure. He might be dismissed, apparently without further notice, at the end of the month Marchesvan (the middle of November), that is when the harvest operations of the year were over. The landlord then received his share of the produce in flour, the two measuring it conjointly. Apparently land was only sold at this time of year, or at least, it would be sold with possession in November, the purchaser taking over the former owner's engagements down to that time. If it changed hands before seed-time, the owner of the house could forbid the sowing of the field.

The next section deals with buildings. Doors seem to have been regarded as "tenant's fixtures," that is, they were commonly removed by a person giving up occupation; but if the house was given to any one "to be as his house" under the common antichretic bargain, it was supposed to be fit for habitation, with doors, etc., complete. There is something about inserting beams in a wall, the significance of which is illustrated by M. Revillout's account of an action, brought against some one who inserts beams in his neighbour's wall, to support a building on his own land. The neighbour's objection was sustained.[2]

If a house was unfit for human habitation, somebody was liable to a fine of ten drachms, but it is not clear whether the builder or the person mortgaging it is intended. Evidently, however, two of the commonest things liable to happen to a house were: to be pledged for money, and to have something wrong with the foundations. To this we may add a third: its size might be diminished when an inheritance was divided according to law. As in Egypt, such family partitions caused it to be common for persons to own a fraction of a house, but the phrase used here[3] might be taken to imply that the house was actually divided, the

[1] *Documents juridiques*, p. 26 ff. [2] *Les Obligations*, p. 427.
[3] *Documents juridiques*, p. 34.

heirs making a house apiece out of so many rooms. This arrangement would explain the insistence on rights of way in and out of the house.

The different purposes or classes of signatures are enumerated at length, and to give, to efface, or to renew such signatures are conjugated in various ways. The Sumerian phrase for signature means literally a perforation by hand, the finger being originally pressed upon the soft clay; the nailmark was afterwards substituted for the impression of the finger, among those who were not of sufficient consequence to possess a seal. The Sumerian version of all these commercial phrases is no doubt earlier than the few private documents as yet known, between the reign of Samsi-iluna and the later Babylonian monarchy.

A tablet from the Koyoundjik Library gives a list of dignities, functions, and professions, like those met with in Egypt and China, some of the most characteristic of which are "the minister of grain, and of precious metals; the chief of the documents, and the chief of the nobles; the scribe of births: the giver of names; the chief of the foundation stones, of vineyards, of dykes, of waters, and of repairs; the crier of the hours, the inspector of markets, the writing master, the engraver," etc., etc. One title, *the Chief of the Six Hundred of the Country*,[1] is so interesting in connection with the sexagesimal system, the "sixty houses" of Entemena,[2] the six hundred Annunaki, and the six Hundreds of Marseilles and Malabar, that it is to be hoped some further light may be thrown on its history by Assyriologists.

## § 5. Babylonian and Assyrian Deeds (Fourth to Ninth Dynasty).

The late George Smith found a tablet recording the sale of three slaves, dated in the twelfth year of Simas-sihu, one of the earlier kings of the Kassite Dynasty. And the monument already mentioned as belonging to the reign of Marduk-apal-iddin, may be regarded as partly of a private character, as it records the gift of particular lands by the king to an officer in reward for his services.

A document of the reign of Nebuchadrezzar I. (*circ.* 1230 B.C.) is more political than private; it accords to Ritti-Marduk, the chief of the house of Karzi-jabku, certain cities in the Kassite land of Namar, which had formerly belonged to his house, but had been deprived of their independence by enemies. The grant is made in gratitude for assistance in a campaign against the king of Elam, rendered by Ritti-Marduk. It is of historical interest because Nebuchadrezzar calls himself "Ravager of the Kassites," whose dynasty had lately been expelled, as well as "Conqueror of the west lands;" while his other titles show that the revolution had been effected in favour of the ancient stock, the descendants of the men of Sumer and Akkad. The king is called the offshoot of Tintir, the archaic name of Babylon, and in addition to more warlike titles, he is described as "the sun of his land, the giver of happiness to his people, the protec-

[1] *Documents juridiques*, p. 72. [2] *Ante*, p. 263.

tor of boundaries, the confirmer of sons, the king of righteousness who executes right judgment,"[1] all of which allusions to the quality of the king's domestic administration are characteristic of the native rulers, and are met with again under the later Babylonian monarchy.

It is stipulated that subjects of the king of Babylon may reside in any of the towns in question, but the towns are not to be required to pay any taxes to the governor of the province where they are situated. The deed is signed by twelve exalted personages, ending with the king himself, as witnesses; one of them is described as "overseer of the house of implements," which Hommel proposes to interpret "treasure-house," but the title may refer to some Babylonian counterpart to the "Board of works," which existed at a very early date in China and Egypt, and was a notable feature in cities like Cyzicus. The inscription closes with vigorous imprecations against any city or provincial governor who should disregard its purport or substitute his own name for that of Karzi-jabku, or destroy, or conceal the monument itself. Among the judgments invoked is one which illustrates the attachment to house property: "the house that he has built, may another take possession of it," is a curse only second to the promise of slavery, death, and the extinction of posterity.

The new king of the Pasi Dynasty, added to the lists by the Pennsylvanian Expedition, is known by an appeal addressed to him in his fourth year by a priest, who complained of certain sacred lands having been secularized by an officer. According to him one Gulkisar, king of the Sea country, gave or measured off a piece of land to a goddess, who remained in undisturbed possession for 696 years, till the reign of Nebuchadnezzar (the First), and he prayed that it might be restored to her service. Gulkisar is the name of the sixth king of the Second Dynasty, and the interval between the two reigns, according to other sources, comes to 712 years. Belnadinaplu, the new king, any way succeeded Nebuchadnezzar, and a discrepancy of sixteen years in seven centuries is not serious.[2]

Four contract or boundary stones are attributed to the reign of Marduk-nadin-ahi, though two of them are singular in not giving the year or name of any king. A stone found at Za'aleh, a few miles north-east of Babylon, and dated in the first year of Marduk-nadin-ahi (*circ.* 1225 B.C.), relates to some dispute respecting rights of water. The enjoyment of a house and buildings is guaranteed to one person, and the use of certain waters of the river and the canals to men, whose technical description has not been interpreted. Eight persons in all sign as principals or witnesses.

Another document, dated in the tenth year of the same king's reign, conveys a similar grant of land; but neither Hommel nor Oppert[3] have succeeded in making it quite clear by what title the king grants, to his servant, land which seems to have formed a part of the family property of one Ada. The land has been surveyed, and, as usual, its measurement is

[1] Hommel, *G.B.A.*, p. 449.
[2] *Z.A.*, Aug. 1893, p. 221.
[3] *Geschichte Bab. u. Ass.*, p. 465; *Documents juridiques*, p. 106.

given in terms of the quantity of grain required to sow it. It was situated upon a river, not conclusively identified, but probably on the borders of Assyria, in the debateable land between the two kingdoms. The possibility of the grant being challenged by "brothers, sons, near relatives or allies of the house of Ada" was contemplated in the deed; they might object that there was no donor, no one to sign the transfer, that its confiscation had not been lawfully pronounced, and that, accordingly, the grantee's title was defective. We may infer, therefore, that it had been confiscated in the king's name, and granted by his minister to some loyal follower. The livestock on the estate—thirty horses, three mares, and twenty five buffaloes—were not included in the forfeiture.

There are sixteen witnesses, the first of whom, called the son of Bazi, may be the same as the founder of the Sixth Dynasty, and if not, must have been a kinsman; one witness is called simply Babilai, the Babylonian; several, judging from their father's names, were of Kassite extraction, and one is also mentioned as holding property adjoining to that conveyed. The document concludes with the usual imprecations, and is adorned with the usual cabalistic emblems of the gods.

An undated deed of sale of about the same period refers to land, the title to which is also a royal grant, though the deed records its purchase by Nis-bel, son of Hankas, from one of the king's captains.[1] It was paid for in kind, and the value of each article was stated as equivalent to so many pieces or weights of silver. A car, harness for six horses, two Phœnician asses and two sets of harness, a mule (?), a cow in calf, measures of two kinds of corn, two dogs and ten puppies, nine greyhounds and three other dogs of different kinds, apparently for the chase, make up the price of the land. The imprecations vary a little; for instance, Ninip, the god of harvest and boundaries, is adjured to sweep away the boundary marks and trample down the crops of any one who disputes the grant or damages the record of it. Bin, the supreme guardian of heaven and earth, is called on to flood his fields, and Serat to strangle his first-born.

The latter imprecation recurs in the marriage contract known as Michaux's stone,[2] brought to France in 1800. This interesting document was prepared by the husband's father, to commemorate the gifts made to his son's wife by her father. It imprecates curses on any member of the family or household of Killi (the bride's paternal grandfather), any guest or stranger, or whomsoever else should lay waste the field or remove its landmarks, who should give it to a god, or confiscate it for his lord, or seize it for his own use, who should change its area, or "use new seeds in measuring it"—the result of which would be to make its size come out differently[3]—or otherwise injuriously repudiate the agreement and transfer the land to another.

In the contract of Ada, the erection of buildings on the land is forbidden

[1] *Documents juridiques*, p. 117.
[2] *G.B.A.*, p. 475; *Documents juridiques*, p. 88.
[3] Cf. Appendix E.

as one of the acts by which ownership is asserted. The forbidden phrases of repudiation, *Non est donator; Non est sigillator*, are, of course, the counterpart to the formulæ, "he has not sold," "he has not given," used when contracts are rescinded. It is more difficult to assign the value of another stock phrase, which the contracting parties engage not to use: "the head is not the head," or, "there is no eye;" but the general purport of all the documents is clear. Private ownership in land was so sacred and unassailable an institution that a king's grant had to copy the forms of a sale, and purely private deeds were put under the protection of the gods with as much solemnity as monuments recording royal victories and buildings.

M. Oppert gives as the earliest corresponding documents from Assyria a fragmentary tablet of Ramman-nirari III.[1] (810 B.C.) referring to a grant to some religious establishment, and a contract respecting the sale of slaves, which the name of the eponym enables us to fix in the same reign, 784 B.C. Four brothers, sons of a blacksmith, have inherited a female slave, whom they agree to sell, subject to the right of redemption, to a fifth party for the large sum of 10½ silver mina. In 751 five men sell the crop of a field of perfumes, estimated to produce nine ephahs of scent, for half a mina.[2] A few years later a person known as the Hittite sells a slave for 20 drachms.

A man who has borrowed 16 drachms, the interest of which may run up to 400 per cent., pledges a field of flowers ready for harvest as security for the debt; but the creditor, it is expressly stipulated, is not to have the crop, which we may therefore conclude to be worth more than the usurious maximum of interest contemplated.[3] A similar deed, dated 711, promises interest equalling three times the loan, which is shared between four persons. One of the witnesses to this is called Superintendent of the weighing of metals. The next loan is for 10 silver minas of Carchemish, on the security of stock, mostly sheep; the rate of interest is stipulated, and it is probable that the animals are only security for that; they are not to be delivered for three months, and the young are counted as a possible asset; but, as in many of these documents, doubts respecting a single word cast uncertainty over the whole text.

In 717 three fields sown with *sa-ki-bu* are sold; they are described as fields of 1, 1½, and 3 homers; as in the earlier deeds, their boundaries are defined by the names of the adjoining landowners, one of whom is described as mother of So-and-so.

A contract for the sale of three slaves, dated 708, is quite typical in form: "The price has been fixed, the slaves have been bought and paid for; the bargain cannot be rescinded, and whoever demands to have it annulled—whether the vendor or his brothers, or his brother's sons, or other relative, or a person of influence; whoever challenges the right of the purchaser, and his sons or descendants, is to pay 10 minas of silver and one of gold to the treasury of Istar of Arbela, and the money,

[1] *Documents juridiques*, p. 145 ff. [2] *Ib.*, p. 150. [3] *Ib.*, p. 156.

saving the tithe, shall return to the owner, he will give up his bargain; he will not have sold." The fine stipulated for is evidently intended to be prohibitive; it would seem, from expressions used here, that in cases when the penalty is ten—or as is equally common, twenty—times the price, nine-tenths of it is intended to go as a fine to the State or to the divinity specified, and the tenth as compensation to the other party. In another case, it is said, if the bargain is to be annulled, "the price and the tenth shall return to the owner."[1] Possibly, if the double price was accepted as fair compensation, no more had to be paid; but if the other side did not choose to rescind, the heavy penalty was their defence.

In all these deeds the parties are frequently described by their nationalities—the Babylonian, the Egyptian, the Carchemisian, the Hittite. Houses, as already mentioned, are sold with their beams and doors;—valuable and comparatively portable fixtures, which, owing perhaps to the scarcity of wood, had to be purchased separately, like our shelves and cupboards. In Assyria, occupancy may have been less generally associated with ownership than in Babylon and the southern provinces; hence, in the sale of an orchard, we find gardens and the men belonging to them included in the transfer. Such a transfer would be to the advantage of the tenant or *métayer*, if tenancy was the rule; and it would tend to become the rule, if family inheritances were generally sold, that the price might be divided, instead of being shared as they stood. When we find two men and a married woman joining to sell a house, the presumption is that they inherited it jointly.

In the fourth year of Esarhaddon, a deed in Babylonian characters promises interest up to double the principal on a debt of half a mina;[2] but it is possible that, as is distinctly specified in some cases, it was the rule in all, for the interest only to begin to accrue if the debt was not paid off at the time stipulated. The high rate of interest sometimes demanded is connected with the short terms for which loans were made; thus 8 drachms, lent for twenty days, if not repaid then, were to bear interest to the amount of half a drachm, say 6 per cent., which would be monstrous for so short a term, but very moderate as procuring an extension of credit for three or six months.

A short deed (680 B.C.) is worth quoting as an illustration of the flexibility of commercial transactions. M. has lent E. a silver mina; E. has a field of three homers, worth five-sixths of a mina, which he gives to extinguish the debt, and the remaining 10 drachms are to be made up out of the current crop which the two will share.[3] A somewhat similar transaction seems to have been effected about eight fields, producing a crop of flowers every year in addition to the corn. The annual usufruct is valued at one mina, and this is ceded for six years; but the occupier undertakes to give, instead of money, two spring and autumn crops, *plus* coin enough to make up any deficit on the estimate of the corn crop, the main profit evidently being expected from the flowers for perfumes.[4]

[1] *Documents juridiques*, p. 242. [2] *Ib.*, p. 187. [3] *Ib.*, p. 185. [4] *Ib.*, p. 199.

It was still quite worth a rich man's while to accept the use of land as an equivalent for money loans, for Kakullanu, the tenant in the above transaction, appears in another deed as purchasing no fewer than twenty separate plots of ground. In a third he sells, or, as we should say, exchanges a female slave for a man; and he appears to have prospered notwithstanding his distaste for cash transactions, as on this occasion he has acquired a new title of dignity, and is finally described as administrator of the property of the king's son, in another contract of the same type as his first. In this case the land rented is valued at 12 drachms per annum, in lieu of which he gives the owner three spring and three autumn crops. He undertakes to make the field bear fruit as a field "according to the custom," and acquiesces in an estate rule that a tenth of the corn must not be *nusahi*.

There is yet another purchase of land by a Kukullanu recorded, but there is no clue by which it can be assigned to the same person. Out of sixteen witnesses to this deed, ten are described as men of one town, and five as men of another.[1]

The old Sumerian custom of exchanging just so much land against so much money had almost lost its character during the later years of the Assyrian monarchy, but its influence is clearly traceable in the complicated modifications of it which were in force; a money interest was calculated upon the money lent, and the money value of the crops to be retained by the debtor was also estimated, but it was becoming usual for the occupier to be the debtor, and so it was he who paid in kind, out of the produce of his land, a proportion equal to the stipulated interest. The increase of such indebtedness among the cultivators would explain the lack of recuperative power in the country, which was virtually annihilated in a single generation.

In a deed of this kind, the owner undertakes to pay in money the value of such grain as is due from the land for religious services. Probably while the monarchy was thriving, the customary religious dues were paid spontaneously, without need of express stipulation. One tablet of a rather curious kind records that a certain woman has built a wall, and that four men have charged one Nabonidus to keep it in repair. They have dedicated it to the god Ninip as a perpetual gift, and appeal to the piety of posterity to propitiate Ninip by not neglecting it.[2] Presumably the wall served as a boundary between the properties of the four signatories and the sacred lands, and Nabonidus had been paid to execute the repairs for one lifetime. It is rather characteristic of the kingdoms of Mesopotamia to trust their foundations to the goodwill of posterity in general—a posterity which would have just the same desire to stand well with the gods as their predecessors, instead of labouring vainly to tie up for their own spiritual benefit more than one life-interest in their own property.

One deed respecting the sale of a slave adds to the usual penalties on rescinding the contract a curious proviso that "the ancient interest" was

[1] *Documents juridiques*, p. 246. [2] *Ib.*, p. 253.

to be paid to the god Ninip.[1] Another, in which a woman buys a girl to be her son's wife, would be more remarkable but for the fact that mother and son bear Egyptian names, so that the transaction is not conclusive as to Babylonian usage. The damsel concerned had come, through a marriage and a mortgage, into the possession of three men—a father and two sons; she was sold cheap—for about three pounds—but the price was to be paid, for some reason connected with the marriage and mortgage aforesaid, to three other persons, the heirs of a creditor of the owners.

The above are all taken from M. Oppert's work, which contains a sufficient number of specimens of each contract to make it clear that these are representative. Many points are still obscure, but doubtful interpretations do not deserve to be set aside with scorn if they are advanced, so to speak, as a working hypothesis, which can be rejected any moment that it fails to fit the facts. M. Oppert himself considers the material yet available inadequate to warrant a general survey of the social relations of the two empires; and if this is the case with the Assyriologist who has given most attention to this class of documents, it would be presumptuous for any one else to do more than attempt to enumerate the various points of interest which Sumerian law and custom will illustrate when we know more about them.

## § 6. Later Babylonian Deeds and Lawsuits.

The later Babylonian deeds which remain to be considered are really nearer to the archaic type than those of Assyria, to which, on chronological grounds, precedence has been given. Nearly all the following documents belong to some part of the sixth century B.C., that is, to the reign of Nebuchadnezzar and his successors, ending with Belshazzar and the reigns of the first Persian kings. In general they bear out M. Revillout's contention that all Babylonian deeds were executed in good faith;[2] there was the minimum of formality; written deeds were the rule, but if, for any reason, one had not been drawn up, the facts of the case were allowed to be established in other ways, and a man who was proved to have received either goods or money was required to pay for them, though he had given no formal acknowledgment of the debt. This is so entirely opposed to the pedantry of Roman law that it is quite possible that the contrast between law and equity, emphasized in that between Roman law and the law of nations, originated with this conspicuous feature of the commercial law derived from Babylonia.

Commercial companies were called by the name of the leading partner. Nebo-ahi-iddin, a banker of whom we shall hear a good deal, was the head of such a firm, and when he withdrew from business, possibly on taking a judgeship—for he was a great man and learned in the law—his son Itti-marduk-baladu succeeded to the business, in which he was followed in due course by his own son. Iddina-marduk, the son of a bankrupt, whose

[1] *Documents juridiques*, p. 238. [2] *Les Obligations*, pp. 475, 496.

anxiety to escape his father's fate led him to rake in the interest on fractions of a shekel, was the head of another firm; and we meet, though less frequently, with companies called after Kudurru, Arduta, and Nebo-zirit-apsi.

The same word is used for a commercial society or company, and a political league and federation.[1] Mention is made of different partners being admitted by these companies at different times, and it seems possible that some of the joint transactions engaged in represented an association only for one particular purpose or for a limited time;—a sort of association much favoured by the Berbers, the Chinese, and other branches of the primitive stock in which the instinct of association was strongest. At the same time joint action among persons dealing only with their own private property is common. The formula frequently used is, "They answer for one another,"[2] when two parties to a sale or purchase are concerned; but it is significant that this phrase is not used in the case of commercial partnerships, when, the interests of the partners being identical, no additional security is given by their pledging themselves separately on each other's behalf.

When a dividend was declared—as we should say—out of the profits of the firm, the partners did not draw their respective shares in money, but in the various kinds of property which each of them found convenient or most easily realizable. Thus Nebo-ahi-iddin, having admitted Belsunu to partnership, there is a tablet which, instead of any general statement of the amount to be shared, declares in what shape they receive their respective dues, in slaves, or money, or credits upon the bank's customers.[3] If a man owed money to his banker, and one of the firm took his acknowledgment as part of his dividend, the debt ceased to concern the firm, and became a transaction between private individuals. The same kind of partition took place between the sons of two former partners. Thus when the partnership between the house of Kudurru and Rihitum Sons was dissolved, each of the heirs took a house, and if one was of less value than the other, a slave was thrown in. Then one takes fifteen mina, ten shekels secured upon a house, and the other takes thirty slaves, forty-one oxen, three camels, and so on, with a small money credit to balance the account.[4]

A fresh agreement or deed of partnership was required if the son of a partner entered into partnership on his own account, as appears from the case of Nebo-ahi-iddin's son, who entered into such an agreement with his father's old partner, Belsunu; ultimately they shared profits and parted, and in fact, the brotherhood—a word also used to denote partnership—does not seem to have extended to all the operations of the bank, but only to a separate speculation in date culture. Such transactions seem to have come in the ordinary way of business to all large firms, and perhaps the occupation of Nebo-ahi-iddin and his rival Iddina-marduk would be better

[1] *Les Obligations*, etc., p. 374.
[2] *Ib.*, p. 478.
[3] *Ib.*, p. 389.
[4] *Ib.*, p. 37.

described as that of general merchants and money-lenders rather than bankers. If they are to be called bankers, it must be with the proviso that they themselves managed the affairs in which their clients' money was engaged; they superintended its use instead of merely selecting investments for it. Iddina-marduk took his brother-in-law into partnership, and there were other partners, including subsequently a younger son of Nebo-ahi-iddin.[1] They dealt in cattle and grapes, as well as in houses and lands, and perhaps acted as builders themselves,—at least, in the seventh year of Nabonidus, Iddina had contracted for a supply of 4,000 bricks.

The Babylonians distinguished two parts in the ordinary transactions of the market, the contract and the sale, the promise to pay and the actual payment. Trade was facilitated because the promises circulated as cash, just as in the modern system of credit. If the money was paid down at once, the receipt for it was combined with the contract,[2] and there was no vested interest of lawyers to prevent any number of transactions that were actually combined, being recorded on the same brick. If cash is not paid for the goods, the contract often stipulates when they shall be paid for. But sometimes the price is paid at the time of the contract, and it is the goods that remain owing. Contracts, for instance, for the delivery of grain, usually stipulated for its receipt in May (*i.e.* after the harvest), or if the locality was distant, a month later; dates were due in autumn. In one contract of the time of Darius, it was stipulated that if a woman had not delivered the corn and dates contracted for at the time agreed on, she must give money instead,[3] according to the prices of the Babylon market, which of course would be highly disadvantageous to a grower.

In general the interval between the contract and the payment represents the term of grace allowed for payment, or, as we should say, the credit given. Sometimes there was a debt on both sides, and the purchaser giving an order for his firm, pledged himself for the payment; or in the opposite case, as of a purchase of grapes by Nebo-ahi-iddin, seven vine-growers pledged themselves conjointly, to deliver them in due season. Such guarantees were generally given by persons who were really in a position to make good the deficiency, and it happens sometimes that one person is security for the delivery of goods and another for that of money. If money was paid in advance for work, the money was held to be a debt till the work was finished.[4] Though all kinds of credit were interchangeable, particular liabilities were calculated in terms of the article originally owing, corn or whatever else it might be; so that if slaves or money were accepted instead, they were each described as worth so much corn.

The fact that wealthy men were engaged quite as often in selling goods as in lending money must have certainly contributed to the evenhandedness which seems to have characterized the business dealings of Babylonia. There is all the difference in the world between the position, say, of a date-grower, who contracts, for so much money down, to deliver so much

[1] *Les Obligations*, p. 436.
[2] *Ib.*, p. 439.
[3] *Ib.*, p. 464.
[4] *Ib.*, p. 449.

fruit next autumn, and the poverty-stricken cultivator, who borrows, in the winter, money which he hopes to be able barely to repay out of his next harvest returns. The case would be more nearly parallel to that of a cotton planter, who receives telegrams from Liverpool bidding for the delivery of so many bales, at a price fixed by international competition, before the cotton itself is picked. One is tempted to conjecture that the reason agriculture, commerce, and manufactures throve in Mesopotamia for so many thousand years, is that by rare wisdom, or still rarer luck, a due proportion was maintained between the development of all three, and that there was no speculative overproduction, through depreciated labour.

The interchangeableness of all assets, which has been mentioned already, may be illustrated by a few examples. A debtor might leave his money in the hands of his surety, to be paid over when due, and the surety's receipt freed him from further liability. Anybody who pays a debt, without any reference to the debtor, takes the place of the original creditor, and in the same way the creditor may desire to have the money due to him paid to another person, and a deed to that effect is drawn up.

A debt of corn was paid partly by surrender of a slave, partly by corn delivered to a creditor of the lender, and a bill is given for the balance.[1] A banker pays fifty-two shekels to a woman who holds a mortgage on a slave, and so acquires the slave. Again, two persons have accounts to settle, but one of them being absent, a friend takes his place for the occasion. This would not prevent the absentee from getting redress subsequently, if an unfair advantage had been taken of him.[2] The doctrine of agency might be applied as widely as possible, provided the application was beneficial. But a man was not bound to ratify acts done in his name unless he pleased. A brother of Itti-marduk-baladu sold a slave of his; he objected, and the bargain was cancelled, the slave and the price being returned.

Again, N. claimed to be repaid by S. the sum of twenty-three silver mina, which, on a verbal order of S., he had paid to a creditor of his. It was proved that the money was due and that he had paid it, and S. was therefore judicially required to refund, though he was allowed time to do so.[3] If the fact of a payment was contested, the evidence of witnesses was conclusive. Debts were often paid by instalments, and it is by comparison, a matter of course, that bankers, holding their clients' securities, should advance money to pay their debts, trusting to realize their assets at leisure. In the case of a mother and son, having money owing to them jointly, the debt was extinguished by giving up a bill on one of them (the mother), whereby M. Revillout supposes the son would become his mother's creditor, to the extent of his interest. But supposing them to have a joint interest in the family property, the son would be liable for the debt if not cancelled, and therefore benefits sufficiently by his mother's release. In

[1] *Les Obligations*, p. 380. [2] *Ib.*, p. 379.
[3] *Ib.*, p. 474.

something the same way, money due by husband and wife to a man is paid to his wife.

From a rather obscure text given by M. Oppert,[1] it would appear that the Chinese maxim, "Father's debt son pays," held good in Babylonia. In the fifteenth year of Nabonidus, B. claims "by the law of Bel," from K.'s son R. and a certain D., the payment of a debt of K.'s. D. and K. were relatives, and part of their household furniture (apparently D.'s share of K.'s inheritance) was security for the three mina adjudged to be due.

A few miscellaneous deeds help to complete the picture of an essentially homely, domestic civilization. In 594 B.C. one N. received a tablet from a brother and sister, acknowledging their debt of one mina due to him as caretaker of their gates, crops, and town house.

Nebo-ahi-iddin successfully contested the claim to a right of way through a passage to his avenue.[2] *À propos* of this M. Revillout claims for the Babylonians the invention of the law of easements, and divers other abstract rights slowly admitted by Roman law. Descriptions of houses frequently mention the "access and exit," and a habit of dividing tenements between the members of a family would cause such accessories to be an essential element in the value of the property.

In the fourth year of Nabonidus, the same great personage sells an ass for one mina. He buys a garden and a date grove in Babylon, by "the gate of the river of Borsippa," which is sold by M. the son of N. and his wife Q., assisted by N.'s mother and Q.'s father. In one of his many tablets a price is described after the Egyptian fashion, "three shekels, the third is one,"[3] whence it appears that the other party to the bargain must have been used to the Egyptian trade. He also buys ancient vases and sells them for dates, to be delivered at a specified term. We find also special deeds to explain whether a slave belongs to the firm or to one of its members individually.

Towards the close of the reign of Nebuchadnezzar, Nebo-ahi-iddin had great transactions with the future king, Neriglissar, who succeeded Evil-Merodach. He bought corn from him, and continued to act for him till his succession. His transactions at this time were so large that Revillout conjectures that the various *rasutanu* employed were men of straw, meant to conceal Neriglissar's operations. The last purchase on his account was completed in the year of his accession, and as the king could not be mentioned by name in such a matter, the land is described as "sold to the palace," a euphemism exactly answering to that from which the Pharaohs took their title.

After the eighth year of Nabonidus, Nebo-ahi-iddin seems to have handed his business concerns over to his son Itti-marduk-baladu, and after the tenth year his name is not met with again. He had other sons, as well as brothers, not in the firm, and in the following generation also only one of the banker's sons continued in the business.

[1] *Documents juridiques*, p. 264. [2] *Ib.*, p. 391.
[3] *Ib.*, p. 394.

The capture of Babylon by Darius does not interrupt the series of deeds. In the third year of his reign, Marduk-nazir-aplu, the third representative of the firm, pledged a house in the old antichretic style for one mina and five-sixths. A somewhat obscure phrase seems to bind the tenant to execute all repairs, and any way the same person leases a house, the rent of which is to be paid half-yearly; the tenant is bound to complete the building, and one is tempted to exclaim, Truly Babylon is fallen! —fallen from her high estate as a mirror of equity to the nations, for it is agreed that the structures executed by the tenant shall become the property of the landlord on the expiry of the lease. Babylon did not vanish all at once off the face of the earth; her old laws died hard, and contracts of the Persian period refer to them as still in force; even under the Seleucidæ they were not extinct. But the tendency of the age was against them; and when a few more centuries had elapsed, Babylon the Great had become, according to the Babylonian Talmud, a very bye-word for poverty.[1]

The banking grandson alone is concerned with the bank's debts, and we find him called on to pay nineteen mina, the balance of a debt of his father to the father of a creditor. He pays part down and gives a bill at some months date for the balance; meanwhile, he acts with his brothers in matters regarding the family property, and takes part, *e.g.* in proceedings to restrain a neighbour from attaching beams to the wall of their house. It is usual, especially in transactions respecting family property, for several of those interested to sign as witnesses, and far from uncommon for the deed to be drawn up by some relative of one of the principals.

The house of Kudurru lends money to the brother of one of the partners, and a third brother draws up the acknowledgment. Probably out of fraternal affection, the interest in this case is only charged at the reduced rate of eight per *soss*. Itti-marduk-baladu, however, had a credit on his father's brother of three and a half mina at the usual rate of twelve per *soss*, the younger generation perhaps not being required to favour their seniors in such matters. In the case of a rather complicated agreement to pay back a loan (not bearing interest) by specified instalments at specified dates, the father of the borrower guaranteed the debt; and, being a scribe, wrote the tablet which another son witnessed. Bankers, in addition to their other multifarious undertakings, used to warehouse their clients' valuables, as Chinese pawnbrokers do.

Occasional expressions, especially in the later deeds, let us see how

[1] "Ten measures of wisdom came into the world; the land of Israel received nine, and the rest of the world one. Ten measures of poverty came into the world; the land of Babylon received nine, and the rest of the world one"—are the first and fourth lines in an enumeration which gives the pre-eminence in beauty to Jerusalem, in riches to the Romans, in pride to Elam, in strength to Persia, in vermin to Media, in magic to Egypt, in the plagues of uncleanness to swine, in luxury to Arabia, in impudence to Messene, in talkativeness to women, in blackness to the children of Cush, and in sleepiness to servants. The pride of Elam is, apparently, one of the most enduring of national traits. Mrs. Bishop writes: "The Baktiaris have an enormous conceit of themselves and their country," and are fond of tales in which one Baktiari kills twenty Persians. (*Journeys in Persia and Kurdistan*, i. p. 357.)

much law and custom there was in force of which we know nothing, because its notoriety is taken for granted in all legal documents. In the reign of Darius (512 B.C.), a woman is stated to owe ten artaba of corn, "the amount of the debt in the tenth year;" she is to give her creditor one artaba, *plus* one ephah, "according to the custom of her people." The same phrase about the tenth year occurs in another deed; Bel-ballitsu lets a house to his son Nur, who is to have it as his own; but after the tenth year he is to pay at the rate of so much grain a day, at specified terms, or failing that, two talents of wrought lead. One is tempted to ask, was ten years the normal term for antichretic hirings, as distinct from the older arrangement by which the use of land and money were exchanged either for a definite term or *sine die*, and was the artaba and ephah due from the woman, at the end of ten years, "according to the custom of her people," in the nature of a fine for renewal?

The reason for thinking that this may be so, is that in Malabar,[1] where, as will be seen, a number of usages linger akin to the most archaic customs of Egypt and Babylonia, all leases are at the present moment executed more or less in the form of antichretic mortgages, with fines for renewals, at intervals now generally fixed at twelve years. It may certainly be hoped, if this conjecture is well founded, that among the many tablets, as yet untranslated, some will contain evidence enough for its confirmation.

In general, town houses are described by measurement of their area, calculated with surprising exactitude from the length of the different sides, while country properties, as already mentioned, are estimated by the amount of seed-corn they require. This mode of measurement is still in use in Portugal, and it was one of the grievances after the English conquest of Ireland, that area instead of productiveness was made the standard of measurement. To take account of both together would evidently be too difficult, and the other more equitable method would not commend itself, except to communities in which every child knew what was the normal proportion between seed and return. In Babylonia the custom was carried so far that the size of a date grove, for instance, would be given in measures of corn.

M. Revillout considers that the native antichretic mortgage, without rent for the house and without interest for the money, was held to be the most dignified; there was certainly no such association of impecuniosity about it as about modern mortgages. Itti-marduk-baladu's son pledged a house in this way,[2] and the number of transactions of the kind recorded shows that the Babylonians cannot have had any aversion to a change of domicile. The same person, a good many years later, in the reign of Cambyses, exchanged a field for a town house, belonging to a man and wife; the house was not in Babylon, but still the fact that there was no cash balance over confirms the impression we have already received, that the country could hold its own against the town. This was the more possible because

[1] Book III. ch. x.
[2] *Les Obligations*, p. 516.

all the fields, where towns were set two or three miles apart, must have had the value of market gardens or accommodation land.

A few deeds diverge slightly from the common type. In one case three mina are secured upon a house, of which only one bears interest, the other being set against the use of the house. This last deed was signed by a slave.[1] There seems indeed to have been no limit to the civil capacity of slaves. A slave of Neriglissar, after the accession of Nabonidus, pledged a house, or rather, "his part of it," by antichresis. Slaves are frequently met with, acting in their own private interest, conjointly with freemen. The elastic law of agency extended to them; a slave belonging to the son of a creditor, receives money on his account.

The slave and secretary of Belshazzar, the king's son, sells a slave of his own to a sanctuary in the town of Ur; the son and the wife of slaves, described as such, witness the deed.[2] Another slave who was mortgaged with his whole family (in the same way that houses were), writes like a son to his master; in a deed where he and his wife are mentioned, his brother is called "their brother," exactly as, in the case of free marriages, the parents of both spouses alike are called "their" father or mother. Iddinamarduk seems to have been in the habit, whenever he wanted money, of pledging a certain trusted slave, who all the time continued to act financially for him, if not literally to work for him, and whom he redeemed when needing further assistance. Yet the terms used in executing the mortgage of slaves are identical with those used for land or houses, with the addition "there is no term of hiring for the slave and no interest on the money."

Sometimes it is specified in a deed that payment of what is owing is to be made by or to a slave of one of the parties. It is a question, indeed, whether we ought to use the word "slave" to describe the purchased famuli of Egypt or Babylonia. Their family life and relationships were respected, and so was the private property they might succeed in acquiring; it is true they were property in the eyes of their employers, but then, what is there which, in a thoroughly commercial community, does not acquire a money value?

If a mine or a factory changes hands, we do not now count the operatives among the property bought and sold,[3] yet as a matter of fact a business in full swing, with a complete staff of managers and workmen, is worth more than bare walls and engines. This staff, as well as the prospect of orders, is transferred with the "good-will," which is a marketable property. The Babylonian servant received in lieu of wages, maintenance for himself and family and considerable liberty in the disposal of his leisure; but as he was not utilized industrially or commercially as a money-making machine, it might be argued that the value which changed hands on the so-called sale was the transfer of a servant's "good-will." Asylums existed

[1] *Les Obligations*, p. 369. [2] *Ib.*, p. 395.

[3] In Germany miners were so counted long after the Middle Ages, and supposed to change hands with the mine where they worked like serfs *adscripti glebæ*.

for the reception of superannuated slaves; and Nebo-ahi-iddin, in virtue of some credit of his on the establishment for that purpose, is said to have caused a slave "to dwell with the old men."[1]

In some family arrangements the form of a contract was occasionally used, evidently in order to convey a legal title to the property ceded. Thus a mother lets a house on mortgage to her son for four years, but she only took a nominal fraction of the money at which the house was valued. She had herself received the house in antichresis, and she could only in this way transfer her rights in it to her son. The clause by which antichretic tenants are required to do all the repairs "great and small," is probably a survival from the time when such arrangements lasted for a lifetime or more, so that the tenant was virtual owner, and might reasonably be expected, as he is in China, to do all the reparations necessitated by time and use.

The antichretic mortgage gave no occasion for any process answering to foreclosure, but when an article was not given up, but only pledged as security for a debt, in the manner of a bill of sale, the creditor in the last resort might claim his security. Thus, in the reign of Nabonidus, a creditor who could obtain no other satisfaction, seized his debtor's woods, as they stood, but by doing so, he assumed all liabilities connected with the property, and after settling his own bill, divided the residue among other creditors in proportion to their claims.[2]

M. Revillout is inclined to believe that the substitution of a general mortgage on all the debtor's property, "all their goods of town and country," for some definite equivalent to the debt, is the result of Egyptian influence. Such a mortgage was used in Egypt, where there was much less commercial genius and ingenuity than in Mesopotamia, and the first example of it in the latter country is an act found at Warka and dated in the reign of Assurbanipal, when certainly Egyptian influence had most opportunity of making itself felt. An incidental sign of its strength is furnished by the signature to a deed in which an Egyptian witness calls himself "the king's kinsman," either translating the native title *suten reχ* or supposing that such a title must imply a corresponding rank in both countries.

The Babylonian tribunals seem never to have regarded indebtedness as a criminal offence. If a creditor, who had failed to obtain his dues, appealed to them, provided the claim was not contested, they were content to make an order for repayment on easy terms. If, however, they were not satisfied of the defendant's good faith, as in China, they added a penalty to the loss of the cause. Thus in a suit about a slave, the woman who was proved by witnesses, including a son of her own, to have made a wrongful claim, was condemned to pay a sum of money as damages, equivalent to the value of the slave in question.[3]

Another lawsuit, according to M. Oppert's version of a text[4] (the interpretation of which has been disputed by Assyriologists with their usual

[1] *Les Obligations*, p. 372.
[2] *Ib.*, p. 502.
[3] *Ib.*, p. 387.
[4] *Records*, N.S., i. p. 154.

vivacity), dealt with the claims of a certain slave to be of free or noble birth. We find in a Cretan code containing ancient elements[1] various provisions for the case of a freeman being wrongfully claimed as a slave, and this seems to imply that similar inalienable hereditary rights to freedom or citizenship were recognised in Babylonia. M. Oppert's account of the matter is that one Barachiel, a Jew, was bought in the thirty-fifth year of Nebuchadnezzar (570 B.C.) by a woman named Gaga, from A. son of N., for one-third of a mina and eight shekels. He is described as "a slave of ransom," possibly one entitled to redeem himself if he could raise the money, or perhaps only one transferred by mortgage, not sale, and therefore liable to be redeemed by his original owner. The interpretation of this phrase does not affect the case. He remained in the hands of Gaga for twenty-one years, and was then pledged as the dowry of Gaga's daughter, Nubta; afterwards Nubta exchanged him for a house and slaves belonging to her husband and son:—if the bargain was unequal, it was their way of making her a present of the difference in value.

After the death of Gaga and Nubta, he was sold to our old friend Itti-marduk-baladu for silver. Thereupon, apparently he brought an action, affirming that he was the son of "an ancestor," of the family of Bel-rimmani,—a *fils de famille* in fact, and alleged, by way of proof, that he had officiated at the marriage of Q. the daughter of A. (who was said to have sold him to Gaga), and S. the son of N. her husband. The phrase used is "joining the hands," and it is supposed that the exercise of such a function would imply free or noble birth. But when the case was brought into court, and all the evidence in support of the servile status, submitted to by Barachiel for so many years, had been heard, he himself felt the cause was lost, and instead of perjuring himself, "he retracted his former statement" and said he had only pretended to be a freeman because he had twice run away from his master's house and "was afraid." The case was tried "in the presence of the high priest, the nobles and the judges of Nabonidus, king of Babylon," who "restored Barachiel to his condition as slave of ransom." No penalty was inflicted, and perhaps it is as fair to argue that Barachiel's first employers must have been kind, to make him so loath to leave them, as that he must have been ill-treated by Itti-marduk, or he would not have run away from him.

An emancipated slave received from his master a "letter of citizenship," that is a document giving him the status of a man with "ancestors." And it is noticeable that the guarantees, demanded from the vendor on the sale of a slave, included the assurance that he was not a citizen. It was also provided that if he returned to his former master he was to be sent back, so that clearly Babylonian slaves had a way of their own of protesting against unwelcome transfers, though it was not, as in Egypt, the rule for their consent to be obtained.

If a slave was injured by ill-treatment, the person guilty of it had to give him a daily allowance of corn until his recovery. At least this seems to be

[1] *Post*, p. 476.

the meaning of an "Employers' Liability" clause in the law tablet which gives the ancient formula for the renunciation of family ties. "If an overseer let a slave flee, if he dies or becomes infirm in consequence of ill-treatment, he shall pay him half a *hin* of corn per diem."[1] This has sometimes been taken as implying that the owner was to be compensated for injury to his chattel, but it is probably connected with the general rule that wounded persons should be treated and cured at the expense of the person who caused the injury, and the compensation to the owner would consist only in his being relieved from the cost of his slave's maintenance so long as the latter was disabled from work.

Three deeds have been translated, referring to the apprenticeship of slaves, by their masters, to tradesmen with a view to their learning the craft in question. In one case[2] the slave is apprenticed for five years to learn the trade of an *isparatu*; the woman who apprentices him contracts to find one *ka* of food and necessaries daily for his maintenance. If the trade is not duly taught, the master is apparently to give the equivalent of one and a half times the slave's maintenance; and either party challenging the agreement is to pay a fine of two-thirds of a silver mina.

In the other two contracts[3] the trade of a *mutu* is to be taught, and for this an apprenticeship of three months is expected to suffice. The teacher is to have a garment as a present if he succeeds with his pupil, and is to give three *ka* of grain for every day if he fails. Evidently the work is unskilled, and the slave's labour is worth the cost of his maintenance from the first. Both these deeds come from Babylon, and the second is dated in the 26th year of Darius.

The third contract of the kind comes from Sippara; the tradesman is not paid for the slave's keep while learning, and he is to be taught in the necessary time, but his services are to be retained for three months after he has learnt the work. It is expressly stated, "He will live upon the products of his own work;" but if he is not taught the trade properly, six ka of wheat is to be paid daily as his hire. The fine for breach of contract is half a mina. The names of several of the parties to these deeds have been met with elsewhere, notably the ladies Nubta and Tabutum, the former of whom apprentices a slave belonging to Itti marduk-baladu.

The sentences pronounced in Babylonian law courts, so far as they have reached us, possess one remarkable common quality: they are perfectly intelligible. There is no doubt as to their bearing, or as to the relation between them and the evidence. In the *cause celèbre* of Bunanitum,[4] justice was done at once to the widow, her deceased husband's creditor and his brother. If the parties themselves do not state the issue clearly, the judges go straight to the root of the matter with a single question. Thus a man had deposited with his banker, Nebo-ahi-iddin, a sealed sum of money, representing part of the price of a house which he had bought, probably by way of mortgage. Four years afterwards he died, and Bel-rimaniri, the

[1] *Doc. jur.*, p. 61. [2] Mr. Pinches, *Bab. and Or. Rec.*, vol. i. (1886–7), p. 81.
[3] *Ib.*, and M. Revillout, vol. ii. (1888), p. 119. [4] *Post*, p. 376.

vendor, applied to the banker for the balance of payment. Meanwhile the banker had also died, and Itti-marduk-baladu, who reigned in his stead, refused the application. "So they went into the presence of the nobles and the judges. The latter said (to an independent witness), 'Is there a mortgage which swallows it up upon this deposit?' He said: 'I know of none either on the whole or on any part of it.' The deposit in its sealing, Itti-marduk-baladu restored and gave it to Bel-rimaniri in the presence of the officers and the judges."[1]

All legal documents were so concise that dilatory proceedings were impossible: a series of *pièces justificatives* were put in, and evidence on oath was only called for to supplement any missing link in the narrative thus applied. The proceedings, in fact, were so clear and simple that by the time the case had been heard, it was hardly necessary to pronounce judgment, as both parties knew as well as the judges themselves what the decision would be, and so, whether losing or winning, were prepared to acquiesce in the verdict.

[1] *Les Obligations*, p. 414.

## CHAPTER VI.

### *DOMESTIC RELATIONS AND FAMILY LAW.*

#### § 1. Akkadian Law Tablet.

The contract tablets illustrate the working of the family law of Babylonia to some extent, but less than might perhaps have been anticipated. This is owing to the tendency seen in every deeply rooted system of customary law, to take for granted and leave unexplained just its most familiar and fundamental principles. The mass of usage which prevailed in Mesopotamia after the time of the first Sargon—whenever that may have been—was a cross between pure Sumerian gynæcocracy, which bore doubtless considerable resemblance to Egyptian custom, and the patriarchal theory of the family characteristic of the Semitic stock. It is almost unexampled that two such opposite types of usage should have blended, and the explanation is, possibly, that the later and more intolerant form was held by tribes, so obviously inferior in material civilization and intellectual culture, that they had actually more wish to borrow than to dictate. By the time that they had borrowed all that they found most attractive in Sumerian civilization, they and their teachers had both become essentially bi-lingual, and there was no antagonism between the races to induce scholars or patriots to trace the different ideas that existed harmoniously together, to their divers origins.

It is probably owing to Semitic influence that at the time of Hammurabi and ever afterwards, men and women are always described as son or daughter of So-and-so, meaning their father; but the father of a woman is always named under circumstances where the father of a man would be; and the adoption, by each of the married pair, of the other's parents, stands on the same footing;[1] the husband's parents, and the wife's parents after the marriage, are equally "their parents" for the future. The peculiarity has no special social or economical consequences, but it is worth noting, because the list of sociological experiments tried by the three primitive civilized nations is thus completed. The Egyptians were supposed to give supremacy in marriage to the wife; the Chinese elected to give it to the husband; while the Babylonians, who did not lag behind either of the others in wisdom and well-being, seem to have solved the difficult problem of founding the family upon a balance of powers.

There are two Sumerian words for the social aspects of the matrimonial relation which are simply astounding. The idealization of marriage is

[1] In one deed a man is described as "father-in-law of So-and-so." (*La condition jurid. de la femme*, Introduction, xxxi.)

not an achievement of the latter days of the modern Aryan. Five or six thousand years ago, the men, from whom all the world has borrowed the primary divisions of time and space, spoke of the union of husband and wife as "*the undivided half*,"[1] or "the divided house." The father is "one who is looked up to;" the ideogram for mother suggests the elements "god" and "house;" she is "the enlarger of the family." A son is "little one;" a grandfather is "the white-haired one."

Fragments of the old Sumerian family law survive; but the existence of slight incorrectnesses of rendering common to the oldest bi-lingual contracts and the bi-lingual law tablets, copied in the seventh century B.C. from older originals,[2] makes it probable that we have no relics of those laws dating from the age of their unmixed supremacy, before the advent of the Semites, for whose benefit they were translated. It is quite credible that the bulk of the bi-lingual tablets preserved by Assurbanipal were composed 2,000 years, more or less, before the beginning of our era. But if so, the untranslated originals must have been centuries or millenniums older still; and we cannot be absolutely certain of their being untouched by the compromises, of which the bi-linguals themselves were at once a sign and an instrument. A geographical bi-lingual, in which phrases about "a fort," a "great fort," are followed by "the great fort of Nipur," "of Babylon," "of Sippara," may be taken as pointing to the part of Mesopotamia (*i.e.* Akkad), in which the demand for such aids against the confusion of tongues would be first and most felt.

The passage referring to the ancient laws of the family, upon which Assyriologists have mainly concentrated their attention, does not stand by itself; it occurs in the middle of a column which begins with the law of divorce. It differs, however, from many passages in these bi-linguals, in containing a series of complete sentences, as distinct from words and clauses, which the student is intended to put together, according to the particular contract required. It differs also from the other class of ambiguous texts, like the so-called Story of a Foundling, as to which it is hard to judge whether the text is meant to be consecutive or not—to narrate facts or explain the formulæ used in the narration of facts, which were expected to require putting on record so often that the scribe had to become familiar with them.

There are six successive clauses, each headed "A law," or "a decision," stating what consequences befal when a son says to a father, when a son says to a mother, and when a father or mother say to a son, respectively, "Thou (art) not my father," "not my mother," "not my son;" and when a wife says to a husband, or a husband to a wife, "Thou (art) not my husband," or "not my wife."

It must be remembered that the texts are of the tersest, baldest sort, in two practically unknown tongues, where three roots, put together in any order, even when their several values are ascertained, may be turned into sentences of quite different, not to say opposite significance.

[1] Oppert, *Doc. jur.*, p. 41. [2] Hommel, *G.B.A.*, p. 386.

All translators agree as to the first three lines of the original six, occupied by the first decision: "When a son to his father, My father not thou, says." As to the remainder, there is a large variety of renderings. M. Oppert, in 1877, translated it: "(and confirms it) with the impression of the nail, he gives him a pledge and pays him money."[1] M. Bertin, in 1884, read it:[2] "The nails he shall cut him; in servitude he shall put him, and for money he shall sell him." Hommel in 1887 gives it:[3] "He shaves him, puts him in bonds, and for silver gives him." Haupt's translation, made in 1879,[4] is the most independent rival of Oppert's, and in this clause he proposes to read: "So scheert er es, zur Feldarbeit bestimmt er es und für Silber giebt es hin;" and the latest version by Meissner reads: "Er wird ihm ein Mal machen und ihn für Geld verkaufen (he brands him, and sells him for money)."

It is obvious that a word with a root meaning "to cut" may acquire a great many derivative meanings and associations to which the bare etymology supplies no clue. The idea of cutting is apparently taken mainly from the Assyrian version, and the reference to nails from the Akkadian; and M. Oppert's version is suggested by the use of nail-marks in lieu of seals. But it is doubtful whether the nail, as distinct from the finger-mark, was in use as early as when these bi-linguals were first prepared. For the remaining clauses it will be sufficient to compare M. Oppert's literal Latin version with the modification of Haupt's rendering adopted by Hommel.

If the son renounces his mother: *Urbem convocet, et ex domo exire jubeant*, or "they make a eunuch of him; they hunt him out of the town, and drive him out of the house." If a father renounces his son: "*In domo et in constructione includatur;*" or "They drive him out of house and yard." If a mother renounces her son: "*In domo et in carcere includatur*," or "They drive him out of her house."

*Si mulier marito suo (qui) injurias facit, 'maritus meus non tu dicit,' in flumine immergant eum.*" The absence of genders causes the Akkadian version of this to run: "If to a spouse, by a spouse, evil is done, and not my spouse, he-or-she says, they take and throw him-or-her into the river." The Assyrian version makes the injured spouse say, "Thou art not my man;" otherwise we should be entirely in the dark as to the personality of the speaker.[5] The notion that a man should be drowned, or even ducked, for ill-using his wife, and making her desire a divorce, was so surprising, that even the conscientious Haupt was for once seduced by an apparently obvious meaning, and got his pronouns mixed, reading, "When a wife is unfaithful to her husband, they shall throw her into the water." However, as a mere matter of grammar, Hommel argues that Oppert's version is the correct one. Finally, if a husband renounces his wife: "*Dimidiam minam argenti solvat*," "He pays her half a mina of silver."

[1] *Doc. jur.*, p. 56. [2] *T.S.B.A.*, viii. 3, p. 255.
[3] *Gesch.*, p. 382. [4] *Die Sumerischen Familiengesetze*, p. 22.
[5] The common pronoun, which means both "he" and "she," is commonly translated "he," and so, of course, promotes the confusion.

All these renderings have started from the assumption that the words supposed to be spoken were criminal, and that the consequences described were of a penal character. But before adopting this view, it seems natural to ask ourselves why this particular form of crime should have been so frequent as to need proscribing among the peaceable, considerate, and family-loving men of Sumer and Akkad. Why should sons wish to forswear their own fathers and mothers, when the genius of domesticity was so strong in them that they adopted their fathers and mothers-in-law?

Again, it has been shown that our bi-lingual tablets may well be as ancient as our earliest deeds; but if the penal theory of these legal maxims were correct, they would have to be a great deal more ancient still; for in the time of Riagu, we find the legal formula: "Thou art not my son," or "Not my mother," used by families dealing with the distribution of property, with purely civil consequences; namely, to bar the son or daughter who makes such formal declaration, from a claim to any future share in their parents' property.

The existence of the formulæ does not point to the existence of a prehistoric period, when parents and children were in the habit of abjuring natural relationships out of impious enmity. But the formulæ and the early deeds together do point to there having been a time, in the early development of the family and the State, when family law had become too strict for the national taste; when the rights of children, for instance, to inherit from their parents imposed restrictions which were found irksome by the versatile, transaction-loving population; and instead of submitting to these restrictions, like the Egyptians and the Nairs, the Babylonians arranged a form of contract by which they were relaxed.

If one son, not a prodigal, but an enterprising trader, wished to receive at once the portion of goods that fell to him, the parents might be willing enough to agree, and the other children would lose nothing also, provided the share was only advanced to him. But if it was a matter of fixed irrevocable custom that the children of a mother "who has her husband's heart," should divide the inheritance equally on their parents' decease, clearly only a very solemn renunciation of the status and rights of filiation would avail to prevent the son, who had had his portion in advance, from nevertheless sharing with the others on their father's death. Now, in archaic deeds of adoption, the two parties, whose civil act is held to constitute them relatives, say solemnly: "So-and-so is my son; So-and-so is my father," and each undertakes to discharge all the duties and offices of sonship and paternity. Adoption is not unknown in Chaldæa; and wherever it exists, it carries with it the abandonment, on the part of the adopted child, of his real relatives. A man does not inherit from two persons as son, any more than he inherits twice from his own father. And the same formula serves to evade the two irregularities.

There is thus a natural, harmless and intelligible reason why fathers and mothers and sons should sometimes wish to say, for such and such legal purposes, "Thou art not my son," etc. In the case of mothers an addi-

tional motive might and did arise, when a second marriage on the part of the mother made it desirable for her to provide separately for the children by different husbands. There are three separate deeds of renunciation belonging to the age of Hammurabi or his predecessors, that is, to the twenty-third century B.C., and their substance can scarcely fail to throw some light upon the law under which they were executed. The meaning of all three is practically agreed upon. "For the days to come; a decision. Ilanierba has said to S., his mother, 'Not my mother.' From the lands, gardens, and appurtenances (or hereditaments), whatsoever they may be, he is excluded. For the days to come; a decision. S. has said to Ilanierba, her son, 'Not my son.' From the land, the gardens, and appurtenances he is excluded. He shall not transgress. The names of the gods Uruki and Babbar, and that of Riagu the king, he shall invoke."[1]

Now Ilanierba, as we already know, was partner, apparently senior partner, in an important trading, banking, and money-lending firm, and founder of a family. Is it likely that he began his career by being drummed out of the town or incurring any ignominy? He was not disinherited by his father Dada, whose houses, gardens, and so forth he shared with his brothers after their father's death. The obvious explanation of the deed between him and his mother is, that she had married, or was about to marry again, and that, either because he was well enough off without, or because she had already contributed sufficiently to his advancement, he was content to waive all further claims on her inheritance. His own wife, who had been married before, executed a deed by which she gave part of her property to her sons by the former husband, Pirhoum, on their undertaking to accept this as full satisfaction of their rights.[2] The number of persons involved in this case would have made a recourse to the formula of renunciation inconvenient, and it is, of course, possible that the latter carried with it some disabilities connected with the religious rites of interment, which would be a reason for only resorting to it in cases of absolute necessity.

In the next example a son is renounced by both his father and his mother in the course of a deed which opens by enumerating the properties they design for their eldest son. There is then a defaced and unintelligible mention of the other sons, and then a passage in which the phrases of the Akkadian law tablet are reproduced verbatim. "A decision. (M. Revillout thinks this opening form may be equivalent to 'whereas'.) S. has said to Etelkasin his father, Thou art not my father; and to Sinnaid his mother, Thou art not my mother; they give him silver. A decision. Whereas Etelkasin and Sinnaid his wife have said to S. their son: Thou art not my son, the house, the garden and the court, his hereditary share shall be taken and he will give it. The name of the king he shall invoke."[3]

[1] Revillout, *Les Obligations*, pp. 284, 311 Hommel, *G.B A.*, p. 381. Cf. Meissner, p. 93. [2] *Les Obligations*, p. 285. Meissner, No. 109.
[3] Revillout, *Les Obligations*, p. 311.

This is more archaic in form than the corresponding document relating to Ilanierba, which is drawn up in Semitic-Babylonian. Accordingly the different effect produced by renunciation on the part of the son and the parent is not lost sight of. The son renounces his parents, *i.e.* his claim on their estate, and they indemnify him for waiving his rights by giving him money. When he has thus received his share, they, in their turn, disclaim any further proprietary liability of the parental kind towards him. He gives up his claim to house, garden, and hereditaments. Meissner, however, takes this deed as beginning with an adoption of Sinizzu, "their son," in addition to five children already existing, so that the application of the penal clauses is only hypothetical.[1]

The third deed of the same kind and period deals with the renunciation of a daughter by her mother, who has just been adopted as a daughter by somebody else. The text is fragmentary, and begins: "And Naramtum has received the woman Belisunu to the condition of daughter. Decision. Whereas Daatsin has said to Belisunu, her mother, 'Thou art not my mother.'"[2] Unfortunately there is a lacuna here, and we only know further that Belisunu reciprocates the disavowal; "and her daughter has nothing more to claim." Obviously, when the mother was going to enter another family and acquire fresh hereditary rights there, she could not be allowed to deprive her daughter of her right to property derived from the source that Belisunu rather than her daughter was deserting. Doubtless in this as in the other cases, an equivalent was given at once and future claims waived.

Let us now ask ourselves: Is there any sense consistent with the purport of these three deeds, in which the ominous-sounding intimations of the law tablet can be interpreted? In the first clause, Oppert's version is substantially what we should expect, if the father can be taken as the nominative in l. 7: "The son says to his father, Thou art not my father; the father gives him security or money" (equal to his share in the inheritance). "The son says to his mother, Thou art not my mother: they take the city to witness and bid him quit her house." If these laws are not penal, the supposed reference to mutilations must rest on misinterpretation, and the doubtful clause will refer, as Oppert supposed, to legal formalities of execution.

The way to verify the correctness of any alternative reading is to see whether the differences between the civil consequence of renouncing the two parents and being renounced by them, correspond to the results actually met with, when the initiative proceeds respectively from father, mother, or son. Our three texts are not enough for this purpose, but others will doubtless be made available in time. Meanwhile we may note that, according to this law, the son is apparently expected to inherit property from his father, and to live in his mother's house. This notion that the *materfamilias* is the natural, and, in fact, the only house-holder,

[1] No. 98.
[2] *G.B.A.*, 385; *Les Obligations*, pp. 311, 318.

is, we shall find, very widely diffused among offshoots of the earliest domestic race. Semitic influence caused it to be lost sight of in Babylonia, but these laws are the best evidence we could have that it prevailed among the primitive inhabitants.

In the next clauses Oppert's early version is alone in introducing the idea of imprisonment, in the house, etc.; all the other versions substitute that of expulsion from them. Now let us read: "A father says to his son, Thou art not my son: he is excluded from the house and hereditaments. A mother says to her son, Thou art not my son: he is excluded from her house."

This is less exciting than the theory of undutiful sons immured in the foundations of the ancestral dwelling, or cut off from the possibility of perpetuating an impious race. But the men of Sumer and Akkad were a sober, positive-minded set of people. Ilanierba and his contemporaries bought and sold 4,000 years ago, very much as the black-haired people of China do now; and as the Chinese themselves, among whom filial piety takes the place of a State religion, think it right that a childless uncle should adopt a brother's son, so in Babylonia, such breaches of the natural family tie were probably only effected in the course of amicable family arrangements, where the monetary interests of all parties were considered.

The last two clauses respecting the law of divorce offer fresh difficulties; the Gortyn code[1] imposes different terms on the husband whose wife leaves him on account of his ill-conduct, and one who is in no way to blame for the separation, the theory of the age being that he had received more advantage from the relationship while it lasted than the wife did. But if parents and children could disown each other amicably, we should also have expected the law to provide for divorce by mutual consent; whereas no translation has been proposed giving them anything but a penal character. Two marriage contracts given by Meissner[2] seem, however, to show that they are only penal in the same sense as those already discussed. As in contracts of adoption, the parents and son agree to let the same consequences follow on separation as the law ordains in the case of natural families, so here the penalty invoked against husband or wife, in case they transgress the covenant, is more or less the same as that which puzzled translators in the law tablet. And as we can scarcely imagine either husband or wife solemnly contracting to drown each other in case of disagreement, we must conclude that the sense of the words has not even yet been correctly seized.

The clause by which damages are due to the divorced wife is quite clear. One contract tablet contains an express reference to "the money of separation;" it is apparently a deed of divorce, and runs: "Samas-rabi has rejected (or cast off) Naramtu. She bears her *ziku*, and she has received the money of separation. If Naramtu marries another, Samas-rabi will no longer love her (?)"[3] Later Semitic law, while restricting the right of divorce to the husband, has retained the tradition of the wife's

[1] *Post*, p. 477. [2] *L.c.*, Nos. 89, 90. [3] *Ib.*, 91.

claim to compensation. In modern Jewish marriage contracts, the amount of the wife's dowry and her *Kethuba* are specified together; the latter, like the Nekyah of the Moslems, being a settlement on the bride of the money which is to be paid in case of divorce. *À propos* of the curious clause relating to the possible marriage of the divorced wife, the translator quotes from the *Ana ittišu*[1] series a paragraph rendered: "If she afterwards marry the man of her heart, her first husband cannot plead invalidity," and suggests the alteration of a syllable which will give the same meaning here; but if the institution of the kethuba is as old as Hammurabi, the Oriental rule forbidding the husband who has divorced his wife to take her back again, except after another marriage and divorce, may be primitive also, and if so, both the rule and this contract would be inspired by a (lost) Sumerian version of the French proverb: "On revient toujours à ses premiers amours." The legal kethuba of half a mina represented the value of a house or slave, and would buy a moderate yearly allowance of corn.

Another marriage contract contains a clause binding both parties *not* to dissolve the marriage or rescind the contract; and no penalty is invoked, as the married pair agree *not* to take the legal remedy of divorce with its attendant consequences. And it is obvious that a law punishing conjugal infidelity with either drowning or ducking must have become a dead letter if it was open to any couple that pleased to "contract themselves out of the Act." Bearing these considerations in mind, we must make what we can of the three contracts given by Meissner, as if Haupt's version of the law was unquestioned.

"Bastu, daughter of Belšunu, priestess of Samas and daughter of Urzibitu, is taken in marriage and wifeship by Remu, son of Samhatu . . . shekels is her *Morgengabe*. Since she has received it she is content. If Bastu to Remu, her husband, says, Thou art not my husband, they strangle and throw her in the water. If Remu to Bastu, his wife, says, Thou art not my wife, he will give her ten shekels of silver as money of separation." There are two points to be noticed here; as the wife's mother and *her* parent are named, it is possible that Bastu was an heiress in her own right, and that it was in this character that the contract invokes against her the penalty imposed by law on the husband who repudiates culpably; an arrangement for which there would be a precedent in Egypt. The mention of a gift from the husband to the wife, and her satisfaction therewith, also suggests the "woman's gift" of late Egyptian contracts. The use of a double phrase, as if marriage and consortship were a relation, admitting of two parts or degrees, is also suggestive of something answering to the Egyptian distinction between a wife and an established wife, or between a contract involving a personal and one extending to a proprietary partnership. If such a distinction existed in Babylonia, traces of it will no doubt be found in the surviving

[1] These are bi-lingual vocabularies, in which the commonest phrases and words of the ancient laws are given and conjugated or declined.

deeds, and it can do no harm to experiment with this key before despairing of the solution of enigmatic texts.

Another marriage contract which may help to interpret the above is that of Istar Ummi, daughter of Arzazu and Lamasutu, who was given in marriage and wifeship to Arad Sin, by her father and mother. He gives to her parents one-third of a mina and a slave as Morgengabe. It concludes: "If Arad Sin casts off Istar Ummi, he shall pay a mina of silver;"[1] what will happen if she leaves him, is at present concealed by the clay cover which the custodians of the Berlin Museum would not allow Herr Meissner to remove; but it is to be hoped that they will themselves take steps to ascertain, without endangering the legibility of the record. Until a larger number of contracts are available for comparison, it would be premature to conjecture that they may fall into two groups, according to whether the husband or the wife is the capitalist.

Daughters share normally with sons in the inheritance of their parents; but in one or two deeds there are signs of their holding property in other ways. By a deed of gift, not a marriage contract, A., her father, and T. S., her mother, convey to their daughter B. the following property: a sar of cultivated land, with house; one slave, one . . .; ten shekels silver, one shekel gold as finger-ring, one ditto, ditto, as ear-ring; five garments of one sort, ten of another, two of each of two other varieties, and one each of yet other two; two stones of different kinds, two earrings, four spoons (or other utensils) of copper, one . . ., seven chairs, one . . . (?) chair; five each of two unknown articles, five wooden ditto, and two other stones, or articles of stone. All this is given by the parents to their daughter B.: "In any place where she pleases she may found her house with (?) R., her father."[2] This is very perplexing, because when a woman "founds her house" with property derived from one or both of her parents, she normally does so with her husband, according to one system, or with her brother, according to another; while, if a woman is adopted, as a man might be, by a childless relative, it is usually with a view to inheriting the property of the adoptive father, and the inheritance of the natural parents is renounced instead of given in advance. The document might conceivably be explained by a combination of the two situations; if the father of an heiress daughter is willing to let her marry the son of some other man, and give the latter's grandchildren all the rights belonging to descendants of "the father of their mother," a motive would be supplied at the same time for the gift and the adoption. But, of course, this is purely hypothetical.

The other case of property held by a woman apart from the paternal inheritance occurs in a deed by which brothers divide the inheritance of their father *and their sister*, Iltani, "which she in the house of Sin and of the god Sa-Sassa. Samas . . ."[3] The same name, Iltani, occurs in the

[1] Meissner, *l.c.*, p. 149. [2] *Ib*, No. 10.
[3] Meissner, No. 105 Cf. perhaps *Bull. de Cor. Hel.*, 1882, p. 276. Ramsay, *Church in the Roman Empire*, p. 398, and *Contemporary Review*, Oct. 1893, p. 371.

most difficult of the marriage contracts given by Meissner, the consideration of which has been intentionally left to the last. It runs as follows: "Iltani, the sister of Taramka, the daughter of . . . has Arad Samas, son of Ilu-ennan, received in marriage from her father, Samas-satu. Iltani is his wife. He will provide for her establishment and well-being, and carry her chair to the temple of Merodach. All the children already born or to be born hereafter are her children. . . . If she says to Iltani, her sister, 'Thou art not my sister,' then . . . he shall brand her and sell her for gold. And if Arad Sin says to his wife, 'Thou art not my wife,' he will give her a mina of silver. But if both (Taramka and Iltani) say to Arad Samas, 'Thou art not our husband,' they shall be strangled, and thrown into the river."[1] According to Meissner, this extraordinary text refers to a marriage of the Leah and Rachel kind. Iltani is described as the sister of Taramka, because Taramka is already Arad Samas' wife; he supposes the lacunæ to contain, first, the penalty to be imposed on Taramka in the event of her renouncing the sister who has been made her rival, and then the familiar formula of renunciation, attributed to Iltani, saying to Arad Samas, "Thou art not my husband," which is, to be punished in the way ordained by the law for a son renouncing his father.

The whole text is well adapted to inspire one of the liveliest of Assyriological controversies; but apart from the linguistic difficulties arising out of the use of genderless pronouns, we may observe that Taramka is nowhere called the wife of Arad Samas, and that in all the other cases where the consequences of renouncing relationships are described, the relationship clearly carries with it some legal claim to a joint title in the family estate. The law tablet says nothing about what is to be done to brothers who say, "Thou art not my sister," or to sisters who say, "Thou art not my brother," for the obvious reason that this relationship carries no proprietary consequences, except at the one moment—of dividing the parental inheritance—for which the law enjoins the duty of fraternal affection.

The only circumstances under which the relation of brother to sister could carry such consequences would be in communities of the Nair or Nabatæan type, among which it may be necessary to adopt a sister in order to obtain a legitimate heir.[2] There are too many doubtful points in the text for it to be safe to form any conjecture at present as to what Taramka really has to do in the matter, but it is tolerably certain that either through Taramka, or in some other way, Iltani is a lady with a separate estate, and that, either by nature or adoption, she stands to some one in the relation of sister; and that this person, on renouncing the relationship, passes out of the family community to which she belongs, in the same way that an emancipated, renounced, or foris-familiated son does. Meanwhile, the duties of the husband are set forth with particularity, as in Egypt the amount of pin and pocket money to be at the bride's disposal

[1] No. 89.
[2] *Post*, Book III. chaps. viii., x.

is set forth. She is to have everything handsome about her, including, it would seem, "sittings" in the fashionable temple of 4,000 years ago.

Another noticeable point about this deed is that it is evidently a post-nuptial settlement, and a number of deeds by which the father, or the father and mother, adopt a child of their own, seem to show that at this date it was common in Babylonia for the son to be "established" as heir retrospectively, instead of being, as in Egypt, so constituted in advance, by the marriage settlement of the parents. This is only what might have been expected, if the motive, in establishing the wife, was to establish the hereditary rights of the children; and the Babylonian deeds being much the earliest of the kind, it is natural that they should show their purpose most clearly.

By one deed a man adopts his own son, Arad Ishara; "he shall be his son, and inherit with his sons."[1] This is practically the sole meaning and motive of adoption. By another, a father and mother adopt their own son. "Ahiopiam is his brother." If they disown him, "he shall take his share like the children of I. and N. (the adopting parents), and go away."[2] One is tempted to conjecture that Ahiopiam is the eldest brother, to whom it will fall to divide the inheritance, if the parents do not—as they seem partly disposed to do—divide it themselves.

It may be that when a sister is mentioned by name, in connection with family property, it is for the same reason, because she is the eldest child. In the deed of adoption of Ubar Samas, by a husband and wife, they say: "He is their eldest son."[3] And similarly, when a priestess of Samas and her husband adopt Samas-abitu, it is said: "He shall be the son of B. and H. Samas-abitu is their elder brother,"[4] *i.e.* the elder brother of their children. This deed continues by stating the legal penalties, according to the code, for renunciation on either side: and it is also remarkable because Samas-abitu, though adopted as eldest son, is *not* the son of the adopting parents, but is adopted from a woman and her daughter M., and her son T., as if his recommendation was to be the grandson of the former.

An action tried before the judges of the gate of the goddess Nin-marki, in the reign of Rim-sin, shows that sonship by itself gives an indefeasible title. Mar-martu bought a garden from Sin-magir. Ilubani said: "I am the son, it is mine!" The witnesses of Mar-martu (who are a kind of jury) agreed, and Rim-sin awarded the garden and house to Ilubani. Then Sinmuballit challenges Ilubani's title, and he swears before the judges of the gate of Nin-marki: "I am the son of Sin-magir; he adopted me, and my seal (*i.e.* the contract of adoption) is unbroken." The previous decision was re-affirmed, and the parties swear by Sin, Samas, Marduk, and the king Hammurabi to observe the decision.[5] The father, even of an adoptiveson, cannot alienate family property without the consent and knowledge of the latter, so that the rights of children are in no degree less developed in Babylonia than Egypt.

[1] Meissner, *l.c.*, No. 96. [2] *Ib.*, No. 97. [3] *Ib.*, No. 95. [4] *Ib.*, No. 94. [5] *Ib.*, No. 43.

A princess is among the witnesses of the marriage contract of Iltani, and the following deed of adoption is witnessed by seven women and only two men, as if it were a matter of *harim* interest. It declares that a slave, whom A., her father, and L., her mother, have taken as "daughter of earth," is their daughter; if they give her anything from affection, none of her brothers will complain;[1] just as the sons of Yang Che[2] are exhorted, in his will, not to grumble at any presents their mother may make, out of the family income, to her poor, married daughter.

Four deeds[3] refer to divisions of property amongst brothers in the same family. First we have five-sixths of a sar of house and garden assigned to Salustu, the son of Arad Sin, which he has divided with Sin-ikisa and another brother. Then Sin-ikisa and Ibni-samas each take part in a deed whereby their joint property is shared between one of them and Urra-nasir. Lastly, I. and N. share half a sar with A. and I., the sons of Sin-ikisa, their brothers. The house belongs to the four. "One brother has shared justly with another"—which is perhaps the more meritorious when, as appears to be the case here, they are half-brothers only. The first of these deeds is executed in the name of the gods, of Sinmuballit and the city of Sippara. There is nothing calling for special notice in a deed whereby four brothers divide the whole property of their father, or that by which Hissatu and Belitsunu divide the lands, house, and appurtenances of their father. But the eldest son of Arad Ulmassitu, who has already appeared in the double character of landlord and tenant, seems to execute the customary partition in a rather arbitrary manner, as if at his own good will and pleasure, without obligation, perhaps with brothers who had not been legally established as "his brothers."[4]

The last tablet in this valuable series is a contract by which three children of Apilia agree not to litigate with S. and U. (presumably their nephews) about a house which U., son of Apilia, their brother, has left behind him; a document which bears the stamp of a primitive age, in which uncles are apt to dispute successfully the inheritance of their brothers' children.

The more such documents as these are multiplied, the more intelligible we may hope they will become. At present every publication is hazardous, because the best renderings and interpretations are sure to be wrong on some points, but such provisional errors will not prevent the gradual advance of knowledge, especially if, by the grace of Nebo and Merodach and the shades of the kings and cities of Sumer and Akkad, brother Assyriologist is "loving to his brothers"—in the thorny task of cuneiform transliteration and translation.

[1] Meissner, *l.c.*, No. 99.
[2] *Post*, Book IV. chap. xvii.
[3] Meissner, *l.c.*, Nos. 101–104.
[4] *Ib.*, Nos. 105–7.

## § 2. Later Marriage Contracts and other Deeds Executed by Women.

There had been time for a great many things to happen between the composition of the Sumerian code regulating renunciations between husband and wife, and the drafting of the marriage contract of our old friend the banker Nebo-ahi-iddin, who in matrimonial matters was of the school of M. Dumas *fils*. In the interval the Pyramids and the Labyrinth had been built, Egypt had become great and contended with Assyria for the mastery of Western Asia, and had already traversed some stages on her downward course. The kingdoms of Eastern and Southern Arabia had flourished and decayed. The Phœnicians had spread over the known world. Syria and Palestine had laid their claims to a place in the world's history. Susianians, Elamites, Medes, and Armenians had in turn commanded the heights between the Caspian and the Persian Gulf. Greece and Italy had been settled; Troy built and destroyed, and—what has more to do with the matter on hand—Semitic influence had been at work for nearly 2,000 years in Mesopotamia itself.

Here is the marriage contract of the banker: "Nebo-ahi-iddin to Dalilicssu spoke thus: the woman Manaatesaggil, thy daughter, the noble lady here present, let her be my wife! Dalilicssu heard him, and the woman Manaatesaggil, his daughter, a noble maiden in marriage he gives him. The day that Nebo-ahi-iddin abandons the woman Manaatesaggil or takes another as well, he will give her six mina of silver, and she will go to a place of *tsimaat*. The day that the woman Manaatesaggil (is) with another man, by a sword of iron she shall die. Not to transgress, they invoke the spirit of Nebo and Merodach, their gods, and of Nebuchadnezzar the king, their master. For the sealing of the contract in the presence of So-and-so."[1] Then follow the names of five witnesses. The bridegroom himself acts as scribe to the exhilarating document. It is not in any sense typical, but its existence helps to explain how it could have been thought possible that the infidelity of Sumerian wives was punished by drowning. Probably it only represents the personal eclecticism of the banker. The first clauses are evidently modelled on the usual Egyptian form of marriage contract in which the husband promises to pay such a sum of money if he despises his wife, or takes another, But there is no such distinction in Sumerian law, which probably did not recognise polygamy; if the man divorced, the payment was due from him, whatever his motive for the act might be, and apart from any marriage contract.

M. Revillout inquires whether the place of *tsimaat*, which suggests silence and seclusion, is to be regarded as a kind of convent; but it may mean only a place apart, a separate establishment, such as, in fact, a Towarek is bound by public opinion to provide for a divorced wife, before he is morally free to marry again. Another marriage contract, given by

[1] *Les Obligations*, pp. 337–9.

M. Oppert, simply stipulates that if a man abandons his wife, and takes another, he shall give her six mina, "and she shall go where she likes."[1]

The last clause about the sword of iron is purely Semitic, not, of course, a personal invention of the scribe, but derived by him from some code conceived in the same spirit as that of the Jews, or perhaps direct from them. We have given the first place to this exceptional agreement for the sake of contrast and comparison, but the majority of such deeds, under the Babylonian empire, only set forth what property is given with the maiden by her relatives, or sometimes record an addition to the original dowry made, perhaps, by a brother or grandmother, "in the satisfaction of their hearts," as the tablets say, or in more modern phrase, "out of love and affection." Here is a complete document of the ordinary sort: "Marduksuruzur, in the satisfaction of his heart, gives in dowry to Nebobanziru five mina of silver, four slaves, thirty sheep, and the enjoyment of a house with the woman Suma-ibrisa, his daughter. Nebobanziru receives her dowry from the hands of Marduksuruzur. Babylon, the sixth Ulul in the first year of Neriglissar, king of Babylon."[2] One of the slaves thus conveyed was afterwards mortgaged by the husband and redeemed by the father-in-law.

In the year 564 B.C., a woman, Rimat, sells one of her slaves to N. for twenty-three shekels, in order that the price may be added to the dowry of Belitsunu, daughter of Neboziritapsi; the latter, who is Rimat's husband, joins with her in signing the security for peaceful possession given to the purchaser.[3] Another deed of the time of Nabonidus shows us a father, who, having given his daughter, on her marriage, a house at Erech and four female slaves, afterwards thought better of it, and undertook to give his son-in-law "with his daughter," the further large sum of fifty mina as residue of the dowry, also a male slave who had been received in satisfaction of a debt of one mina. These goods are always said to be given "with" the wife, as in the case of Egyptian marriage contracts with the formula, "If she stays, she stays with them; if she goes, she goes with them." And M. Revillout supposes the Athenian law, which gave a wife right of maintenance against any one holding any portion of her dowry, to be probably derived from Babylonia.

Nebo-ahi-iddin was a son of Sulai, so it was in accordance with the common custom of calling children after their grandfathers that the eldest son of Nebo's sister, Elilltunu, bore the same name. Sulai's daughter, Belitsunu, received two slaves from her grandmother as a gift, in addition to the eight rods of land which her father had given her. Both these gifts are spoken of as made to her, and not to her husband with her. The grandmother ends by invoking the gods Merodach and Zarpanit, to prophesy good fortune, and prays: "May the god Nebo, the divine scribe of Esaggil, make her days to come joyous!"[4] The tablets do not tell us

[1] *Zeitschrift fur Assyriologie*, vol. iii. p. 182.
[2] *Les Obligations*, p. 329. [3] *Ib.*, p. 331. [4] *Ib.*, p. 336.

whether the marriage begun under such tender auguries was happy, but they do tell us that it was short-lived. Twelve years later the same Belit-sunu is given in marriage by her brother, together with "all that she possesses," including a daughter by her first husband.

In a deed translated by M. Oppert[1] a woman makes over to her daughter all her property in town and country, except what she had already given to her on her marriage. The mother reserves the usufruct of all the property to herself for life, but secures the reversion to her daughter, who is bound not to assign it to any one, except her own husband. A son of the donor witnesses the deed in his sister's favour.

There are other deeds in which the brother, instead of the father, and no doubt after his death, constitutes the dowry of his sister in regular form. It was the rule for daughters to receive their share of the family inheritance upon marriage, and this being so, of course they could not share with their brothers again on the father's death. But there is little indication of the tutelage of women in Babylonia, where the spirit of the ancient custom was all the other way, and the action of the brothers would seem to be suggested simply by convenience. The daughter did not want her share till she married, and did want it then. If her father died while she was a child, the rest of the family managed the common stock out of which her share had to come; and whenever the time came, the eldest son, acting in his father's place, conveyed it in due form as her dowry.

There was practically no limit to the civil capacity of women in Babylonia, though they do not seem, after the time of Hammurabi, to have claimed the barren honour of witnessing deeds. In innumerable contracts husband and wife are conjoined as debtors, creditors and security; the wife is made a party to any action in which her dowry is involved, but she also acts independently, *e.g.* as security for her husband with her brother-in-law. Women appear by themselves as creditors, and a wife may stand in that relation to her husband. In one case a woman acts as security for a man's debt to another woman. They are also liable singly for debts in money and goods, or in connection with a case of antichresis. A woman with her son is in debt to another woman; and again a woman associates her eldest son with herself as creditor for part of the price of a house forming her dowry; but this is purely voluntary on her part, as the other relations between her and her sons show.

This Gugua was a rich woman, and the way in which she disposes of her property shows that she had no less control over it than Egyptian mothers had, though like them she used her powers mainly for the advantage of her children. She had five sons, and to each of the four younger she gave the sum of one mina and thirty-six shekels, without the intervention or assistance of the eldest son. This gift is only referred to in another deed for the purpose of saying that Belziribni, the eldest son, is not to dispute with them about it. On this understanding she makes over to him certain investments—a bill for one mina upon Nebo-ahi-iddin; half a mina

[1] *Revue d'Assyriologie*, iii. p. 89.

and five shekels,[1] secured upon a house; a credit for one-third of a mina on another woman, and a plot of ground forming part of her own dowry—all upon trust, that he will give her so many measures (of grain) daily as long as it pleases her to live on the interest of her money.[2]

The provision for the eldest son is thus appreciably larger than that for either of the others, but it is subject to the mother's life interest. The others get money down, but he has the reversion of an extra one-third of a mina and the land on condition of providing for his mother's maintenance. Gugua, however, does not intend to run the risk of Belziribni turning out a male Regan or Goneril; and she not only reserves the right of taking the property into her own hands again, but stipulates that her son is not to mortgage it to any one without her consent. This deed is drawn up "with the assistance" of a daughter of Gugua; and in another, executed for the benefit of a certain Bel-ahi-erib, she has the assistance of the woman Risatum, his mother. In this case Gugua has invested one-third of a mina at the usual rate of interest with Nebo-ahi-iddin; she intends the capital to belong to Bel-ahi-erib—presumably a grandson—but meanwhile reserves the interest to herself, and for that purpose represents him as her debtor for the interest, while undertaking not to reclaim the capital.

An interesting deed translated by Dr. Peiser gives a somewhat different view of the circumstances under which a pension of the same kind as Gugua's might be desired by a parent in difficulties. According to this text,[3] a man says to his daughter: "Z., my brother, has repulsed me; R., my son, has abandoned me; thy father is before thee: his . . . shalt thou measure to me, and as long as thou livest give me maintenance, food, ointment and clothing. My revenue for the measuring in the house of Anu, in the sanctuary of Ib and Belit-ikalli, and in the field . . . my joint share in it with Z., my brother, I will assign to thee." The daughter agrees, and the father (? a spendthrift) undertakes not to sell these remnants of his inheritance to any one else for money, not to pledge or in any way diminish it, nor to give it away for favour.

The translation of the opening clauses may perhaps be emended later; it is not usual for Babylonian deeds to rehearse the motives for the acts recorded in them. But it is quite equitable that an absolute reversionary right in the father's property should be secured to the child who undertakes by deed to provide for his future maintenance. Doubtless the moral duty of providing for indigent parents must have been recognised, but judging from existing deeds, every one in Babylonia, from the slave to the dotard, had *some* realizable property, and to live on the interest of such property was easy for any one who had a son or daughter able to manage and willing to inherit it.

[1] *I.e.* thirty-five shekels. This clumsy way of reckoning is due to the habit of describing any number of sixths of a mina as a fraction of it, and adding the odd shekels. The fraction was always equivalent to some number of tens, so there was no real difficulty in calculating the total.

[2] *Les Obligations*, p. 346.

[3] Dr. F. E. Peiser. *Keilinschriftliche Actenstücke aus Babylonischen Stadte*, p. 19.

Some of the other deeds given by Dr. Peiser seem to deal with the sale of certain revenues in kind, resembling the "temple days" of the Egyptian priests;[1] others record the sale of a field by a woman and her husband; the exchange of two houses, the difference between the value of them being made up in money; and a lawsuit, in which the defeated party proposes to give his houses in Diri in lieu of the money he has been sentenced to pay.[2] Where the subject is more complicated Dr. Peiser shows himself at once more cautious than M. Revillout and less imaginative, and upon those terms he does not add much to the materials of the latter.

There are two causes of a semi-contentious character which illustrate the law respecting the property of husband and wife. The father-in-law of Iddinamarduk, the son of Basai, hesitated to hand over to him his daughter's dowry, because I.'s father, Basai, was being proceeded against by creditors holding a general mortgage on his effects.[3] Evidently it was the rule for the property of father and sons to be held together in common, and unless otherwise protected, the son's wife's property might be claimed as an asset too. In this case, however, Iddinamarduk had some slaves, two women and five children, forming a private personalty of his own. He gives these to his wife as securing or representing her dowry, and after this apparently, his father's creditors were unable to touch them. On the other hand, the wife's money was added to the family estate out of which Basai's creditors hoped to be paid. After this deed the slaves in question could not be alienated by husband or wife alone, only by the two acting jointly, if it so pleased them.

The other case was that of Bunanitum,[4] a wife, who had traded with her husband on her dowry. They had increased their original store, but wished to buy a piece of land worth more than the sum they had realized. They borrowed what was wanting and bought it; that is, the original lender bought it as for himself (this person is the same as the cautious father-in-law of the last story), and paid for it in full. Three years later the husband and wife borrowed what was wanting to make up the price, at interest from Iddinamarduk, and after this the house was virtually their own, though they had a small debt to pay off. At this point, to prevent the wife's dowry disappearing in the joint estate, the husband gave the new possession in trust to his wife as a security for that portion of its price which came out of her dowry.

All these facts were brought out in the course of a suit which was decided in the wife's favour, when her deceased husband's brother claimed the property as part of his inheritance. The court ordered him first to repay the dowry, and the balance of the debt still owing for the fraction of the price which had been borrowed, and then he could have the estate, which in the interval had served as a double pledge, the husband and wife

[1] *Loc. cit.*, vii.–ix. Cf. Meissner, No. 41. In the reign of Rim-sin, four sons of Zazia, who are non-suited, claim a yearly right to "five days' revenues in the house of Sin, sixteen days of the chambers of the gods in the house of Belit, and eight days of the same in the house of Gula."

[2] *L.c.*, p. 13, Nos. 12, 13. [3] *Les Obligations*, p. 345. [4] *Ib.*, p. 358.

enjoying the use of it all the time. It will be observed that the wife does not inherit from her husband, but this is not a disability or disadvantage when she is usually as well off as he is; and in the event of her surviving and having children, they are provided for out of their father's inheritance, without having any legal right to demand an immediate division of hers.

Wills were unknown, but, as in Egypt, the parents could give effect in their own lifetime to any special adjustment of the various shares they desired, which would not follow in strict course of law. M. Revillout also quotes a deed by which a father, desiring apparently to make some further provision for his wife and daughter, drew a bill on his brother in their favour, which was honoured without demur.[1]

When the wife as such has a legal claim to share with her own children in her husband's estate, this is usually an indication that there is little or no other provision for her, *i.e.* that dowries are small and property does not descend in the female line. The affinities of the primitive Sumerian marriage law, on the other hand, are with the systems in which property descends so exclusively through women that the husband's estate does not even go to his own children, who are provided for by their mother; and it would therefore be a mistake to attribute this trait to Semitic influence. If a wife died without children, her dowry returned "to the house of her fathers," just as the husband's property under similar circumstances returned to his family. If a widow "set her face to go down to another house," *i.e.* to marry again, she was entitled by law to her original dowry and any property she might have received by gift from her first husband, in addition of course to anything belonging to her in her own right. A mutilated passage from a tablet of legal precedents, implying that the children of parents married by settlement take only one-third of their parents' property, can hardly be relied on. It is almost or quite unheard of for an inheritance to be shared between uncles and nephews, and as regards the mother's inheritance, the fact that her dowry reverts to her own family, when there are no children, shows that when there are children, they take it instead.

The irrevocable step in the marriage contract is the transfer of the wife's dowry; before that there is only a contract or betrothal, but after it "the father-in-law and the son-in-law cannot deny each other."

## § 3. Filiation and Adoption.

The subject of adoption was alluded to in connection with the opposite ceremony, of the renunciation of sonship or paternity; but long after the latter had become obsolete, deeds of adoption were executed with formalities closely resembling those of marriage contracts. M. Revillout has translated one such tablet from Sippara relating to Sapi-kalbi, a boy who had been brought up in the temple of Samas; his tribe, but not his father, is mentioned. His would-be parents describe him by name, by tribe, and

[1] *Les Obligations*, p. 353.

by his office in the temple, and then say: "Grant this boy to us in sonship and let him be our son."[1] The text continues: "To-day they establish him as son of Samas-belit and of Kapta his wife. Sapi-kalbi is given as son into the hands of Samas-belit and of the woman Kapta." We note that here, as in the formulæ of renunciation, the two sides of the relationship are distinctly recognised; the status of child, like that of parent, clearly has defined rights attached to it.

Then follows a clause that the deed is not to be transgressed or violated, and it is witnessed by five persons, two of whom belonged to the tribe of the scribes of Sippara, and one to the tribe of the scribes of the god Samas; and then, before the name of the scribe who wrote the tablet, it is added, that it was made with the assistance of the woman Busasa, mother of Sapi-kalbi. The curious thing is that the name assigned to this "son of nobody" means "from the mouth of the dogs," or something like it, and so contains an unmistakable allusion to one of the phrases in the ambiguous text which has been called the "Story of a Foundling."

A bi-lingual tablet, that begins with phrases about deposits, dowry, possession, houses and marriage, goes on according to Oppert:[2] "He who father and mother has not. He who his father and mother knew not. In the tank his (earliest) memory. By the streets his dwelling place. From the mouth of the dogs he took him: from the beak of the crows he snatched him. Before the diviner he laid him. The marks of his feet[3] in the table of genealogies he examined. He gave him to a nurse. For three years they established for the nurse the number of her garments and her head-dress. Every day and always they concealed from him his origin. He made his marriage advantageous. He came of age. He had him to son."

Then the text becomes disconnected: "Infancy; his infancy; according to his infancy. Boyhood; his boyhood; according to his boyhood. He wrote out his filiation. He showed the writing. Education; his education; according to his education." Here another column begins, and one is tempted to persevere through the delectus by broken and delusive hints. There is something about money, marriage, legitimate sons and an elder brother. "The *elder brother of the former family* takes the price (?). Afterwards he wandered forth; he obtained leave to depart. He roamed the streets; on account of his youth; on account of his youth he extruded him; on account of his infancy he turned him out. . . . He made his genealogy. . . . He knew his filiation and he restored him the rights of his brotherhood. He wrote him a tablet of filiation. He made the rule (or the rights?) of his paternity, he granted him a house and furniture. For him the traveller introduced to his father whomsoever pleased him (?). He treated with pride whomsoever he introduced (?)."

[1] The frequency of acts of adoption may perhaps be inferred from the title "adopted son of Bel," borne by the kings of Babylon. Dr. F. E. Peiser, *Keilinschriftliche Actenstucke aus Babylonischen Stadte*, p. ix.

[2] *Doc. jur.*, p. 42.

[3] Can the priests of Chaldæa have forestalled Mr. Galton's system of identification by finger-prints?

The first halves of the next three lines are wanting; they refer to paying some part of a mina of silver to a wife.

All this does not supply a very solid foundation for inquiry. The view that suggests itself first, is that the Story of a Foundling is a kind of variant of the Sargon legend: dangers from birds, beasts and evil men have to be escaped, and the first romancers, who had the pick of all available situations, naturally took the strongest and conceived the hero, exposed to all these perils, as a fatherless and motherless infant. Oriental romance, before and since the Arabian nights, takes for its favourite hero, as has been pointed out,[1] the character of a widow's son. In the prehistoric days, when the men of Akkad may have named their mothers instead of their fathers, no special disability attached to those who knew their mother only, as there did to the modern Sapi-kalbi. But it is possible that, as the old order disappeared, leaving behind it a not inglorious fame, a sort of romantic tradition gathered about the sons of mothers—from Sargon to Jack of the Bean-stalk—and that in this respect also the world of fairy tale has preserved an echo of ancient, social tradition.

We are on solid ground in the interesting recognition of the foster-mother's right to costume and head-dress, and from the way in which it is defined, the services of the class cannot have been in use for foundlings only. It is clear also that in the Semitic-Babylonian mixed system of law, which became established, throughout the land of Kaldu and Kardunias, tablets of filiation lay at the root of all civil and proprietary rights. We get a hint that an orphan son, whose mother had left him, might have his status challenged; but in all communities, the desire to get rid of an infant heir has appealed to the less amiable feelings of humanity, and the only new element suggested here is that there was a prospect of redress by appeal to the literary priests, who knew all the genealogies, and might verify the claim of one who really represented a missing *fils de famille.*

The mention, in the tablet previously quoted,[2] of a scribe of "births," and "a giver of names," shows that some official records of population were kept, and these, in the early days of the evolution of family law, may have served as evidence to hereditary rights, as the private records of Chinese families do now.

There are two directions from which we may hope that further light may be thrown in future upon the primitive family law of ancient Babylonia: the discovery and improved translation of additional tablets, legal and literary; and a careful study of the oldest portions of the Rabbinical writings, carried out comparatively, with a view to distinguishing what may be called the pre-Semitic elements in them from the rest. The interesting nature of the fragmentary information already accessible shows how fruitful both lines of inquiry would prove, and they will be followed up, no doubt, if popular curiosity can be enlisted on behalf of the investigation.

[1] *The Women of Turkey*, by Miss Garnett and J. Stuart-Glennie, p. 345.
[2] *Ante*, p. 342.

# *BOOK III.*

## FROM MASSALIA TO MALABAR.

"For when the greater States conquer and enslave the lesser, as the Syracusans have done the Locrians, who appear to be the best governed people in that part of the world, or as the Athenians have done the Ceans (and there are ten thousand instances of the same sort of thing), all that is not to the point; let us endeavour rather to form a conclusion about the various institutions themselves, and say nothing at present of victories and defeats."—*Plato.*

"Diese neu auftretenden Ideen sind nun aber nicht erst durch die höhere Kultur erzeugt worden, sondern sie beruhen auf uralten Rechtsanschaungen, die vor dem Eindringen der indogermanischen Völker allgemein galten, von diesen freilich unterdruckt wurden, dann aber, aus den unteren Schichten, in welchen sie sich—dem Blick des Geschichtsforschers verborgen—behauptet hatten, langsam wieder zur Herrschaft zu gelangen strebten. Hieraus allein erklart sich die eigenthumliche Erscheinung, das schon bei den altesten und rohesten Volkern Ideen auftreten, wie sie oft bei hoch-gebildeten Völkern das Ziel bilden, nach welchem die ganze Entwickelung strebt. Hieraus erklart sich zugleich auch, das das Familienrecht von Gortyn schon vor den xii Tafeln einen moderneren Charakter tragt als das Justinianische Recht."—*Zeitschrift fur vergleichende Rechtswissenschaft.*

# FROM MASSALIA TO MALABAR.

SOMETHING has already been said about the difficulty of classifying or grouping the different peoples of pre-classical antiquity, of whom little or nothing is known except that their historical relationships are with the elder nations, whose civilization it has been attempted to sketch above. But whatever the obstacles may be to exact and circumstantial knowledge respecting the affinities and migrations of the founders of civilization in Asia Minor, Greece, and the islands and shores of the Mediterranean, it is now certain that settlers of some degree of culture *were* established in those regions at the remote periods which, half a century ago, were abandoned by despairing historians to the mythologist. Some scholars, like the late eminent historian of Sicily, may resent, not quite unreasonably, the pretensions of Orientalists, whose most certain data are half hypothesis, to control or supplement the evidence of classical writers as to the times before their own; and the maxim, that one should proceed from the better to the worse known, has a scientific sound, which tempts us to forget that, in history as in logic, it is desirable to argue from premisses to a conclusion rather than conversely. But a generation which begins its classical studies with a knowledge of the discoveries at Hissarlik, Tiryns, and Mycenæ,—with historical facts of the most material order, upon which virtually no light is cast by later records,—may be expected to show more tolerance for the blanks in the knowledge of Egyptian and Assyrian scholars, and to admit that the later history of all the Mediterranean stocks should be approached as far as possible by the light of what came before, rather than of what came after, the rise of Greek and Italian nationalities.

It will be well, therefore, to note the hints and promises of further knowledge to come under this head, from the prosecution of archæological discovery and the comparative study of institutions, before we pass on to the third example of primitive domestic civilization in the far east of Asia. There are two separate lines of evidence, that of archaic monuments and inscriptions, and that of archaic customary survivals, both of which contribute, in about equal proportions, to instruct and perplex, by the broken lights they cast upon two separate lines of ethnic movement. And, though the time has not yet come for any final inferences, perhaps from either set of data, we may be quite sure that no conclusions in which they are ignored can be either accurate or complete.

On the one hand, there are still to be found, throughout Northern Africa, representatives of tribes, once perhaps more numerous, whose language has no nearer affinities than to that of the ancient Egyptians; other tribes,

now speaking Arabic, are ethnologically akin to the former, and resemble them also in those of their customs which have the same ancestry as the ancient language; while the great Phœnician colony in Africa seems in some ways to have more in common with the Hamitic stocks it found there than with any parent kingdom in the East. In countries north of the Mediterranean, on the other hand, the Basques and the Etruscans are connected by their speech with the Georgians, and all three are supposed to have no nearer linguistic kinship than with the archaic languages of Western Asia, represented to us by the Akkadian, Vannic, and Hittite inscriptions. And scattered between these philological survivals, we find traces in later custom and tradition of a pre-Hellenic population, which possibly in language and probably in custom and temperament approached to the type of pre-Aryan domestic civilization.

The archaic European stocks may be called Alarodian, as the African kinsmen of the Egyptians may be called Hamitic; and in art and language, at all events, if not in race, the one group is more nearly related to primitive Babylonia and the other to ancient Egypt. The pre-Hellenic or proto-Hellenic civilization of Greece borrowed, but did not inherit, from Egypt; and it can scarcely be said that Egypt either borrowed or inherited from Babylonia, as the Egyptian language is an independent creation, and whatever Egypt inherited from Asia must have been acquired before the divergence of language. But as it is impossible to deny the fact of *some* kinship between the dwellers on the Nile and the Euphrates, it is natural enough that there should be points in common between the minor stocks, more or less remotely descended from one or other of these founders of civilization; and a comparative study of these common features may help to interpret and supplement our fragmentary knowledge of the institutions of the parent stems.

It will be seen in the following pages that there is no marked line of distinction between the laws and customs of the Alarodian and the Hamitic group; though to aim at explaining the obscure customs of Carthage and Phœnicia by those of the semi-mythical, pre-Hellenic peoples of the Mediterranean may seem like a promise to illustrate the Unknown by the Unknowable. But every new fact of which the record is excavated or deciphered may contribute to interpret—or to modify the traditional interpretation of—long familiar texts. Statements and names which had no significance twenty-five years ago, or even less, may now help to complete the story of the oldest world, whose empires were in their prime, perhaps, in the 19th century before our era. And by doing so, they will put the history of Greece and Rome themselves in their proper place, not at the dawn of civilization, but as a kind of "Middle Antiquity" of the West, with a culture that is in many respects derivative.

We are apt to think of the Phœnicians more as borrowing or learning from Egypt and Chaldæa, and as lending or giving lessons to the Greeks, than as possessing an independent life of their own. Dr. Pietschmann declares that information respecting the daily life, the laws, morals and

marriage customs of the Phœnicians are wanting; and the regrettable delay in the completion of Meltzer's History of the Carthaginians, which promised to deal with this class of subject, is perhaps partly due to a corresponding dearth of satisfactory material. That so much should be thought and written about a people of whom so little is known is partly owing to the traces which remain of their widespread and potent influence, but it may also have been owing in part to the exaggeration of their importance, which was inevitable while no other pre-Hellenic influence was recognised in the Mediterranean basin.

Whatever view may be taken as to the primitive cradle of proto-Semitic or Hamite stocks, the balance of probability seems in favour of a connection between the Phœnicians, the men of Punt, and the pre-Semitic monarchies of South Arabia. The expansion of this stock to the south-west ceased with the occupation of Egypt, Arabia Felix, and the Somali coast. But an ancient settlement at the head of the Persian Gulf may have continued to develop and to trade with Arabia and the East, till the pressure of Semitic or Kassite intruders drove the more enterprising of the non-resistant Puna across the desert to Syria and the western sea, and the People of the Palm tree became the People of the Purple murex fishery.[1] The "blameless Ethiopian" and his modern kinsman, the Kabyle or Berber, is of the same family; and the intense conservatism of some of these tribes has preserved traits which to some extent supply the deficiency of direct information respecting Phœnician manners and customs.

The Phœnicians in time adopted a Semitic form of speech; but the Akkadians themselves, or at least such of them as remained in Babylonia, did as much as this, as, in more recent times, Arabic has been adopted by various non-Semitic stocks; and, indeed, in the absence of fuller Phœnician texts, it is impossible to say to what extent the language may have retained traces of other than Semitic elements. The records of Phœnician colonies and Phœnician trade are also the record of a colonizing spirit, as different from that of the later empire States of the West as from the stationary, self-contained polities of Egypt and China.

But the Phœnicians are not the only connecting link between the East and West, between the Old World before and the Old World after alphabets. Before the Phœnician settlements on the Syrian coast attained to cosmopolitan importance, independent kingdoms of varying but considerable extent occupied the ground, between the furthest points under the influence respectively of Egypt and Mesopotamia. The kings of Mitanni and the other correspondents of Amenophis III. were powerful enough to be valued as tributary allies by the greatest kings of Egypt, and powerful

[1] So Lepsius, *φοινιξ*, purple=the Phœnician colour; *φοινιξ*, the palm=the Phœnician tree: if, however, *φοινός* be taken simply as the name of a colour, namely blood red, according to the Egyptian monuments, the Puna are emphatically red-skinned, and it would be natural enough to translate by such a word the somewhat similar sounding name by which they called themselves. (*Nubische Grammatik mit einer Einleitung uber die Volker und Sprachen Afrikas*, p. 99.)

enough to be independent of any lesser ruler, while the Khita[1] met the forces of Rameses on something like equal terms on the field of battle Kadesh, Hamath, Aleppo, and Carchemish mark the important centres of the empire which ranged between the Orontes and the Euphrates, the existence of which was first revealed to the modern historian by the records of its foes

Unfortunately for us, Hittite independence seems to have been too well preserved for alien kings to have set up the bilingual monuments which would enable us to interpret the native records But we are so far better off than the contemporaries of Herodotus and Alexander, that we do not give to Sesostris (Rameses) or Sardanapalus (Assurbanipal) credit for the monuments with inscriptions in Hittite hieroglyphs found in Asia Minor We have at present no means of knowing what was the normal frontier of the kings who had their capital at Kadesh or Carchemish, or what the political relationship may have been between this original Hittite kingdom, or any confederacy of Syrian Hittites, and the rulers who set up Hittite monuments in Cappadocia, Phrygia, Lycaonia, and Lydia We know only that the "Syrians," who, according to Herodotus, occupied Pteria in Cappadocia, and the "White Syrians—whom we" (as Strabo says) "call Cappadocians"—used Hittite hieroglyphs, and, like the Hittites of Syria, had an art of their own, not uninfluenced by, but yet independent of, that of Egypt and Assyria But we must conclude that this white Syrian race had spread over all the districts in which monuments clearly derived from the Hittite type are to be found, and, failing any direct evidence or presumption the other way, we may presume that the manners and customs of the same districts, as recorded at a later time, will include some traits inherited from the first dominant stratum of population, and so give material which, used with due caution, can scarcely fail to be of value as a clue to its culture

At this point, however, rival sources of enigmatical information begin to overlap, and we find the ground, pre occupied by Leuco Syrian scribes and artists, also claimed in Greek tradition for more or less legendary stocks, who are further supposed to have forestalled the Hellenes in most of their western settlements Niebuhr spoke, nearly a century ago, of the very name of Pelasgians as hateful to historians because of the wild speculations associated with it, yet in spite of the sceptical bias thus received, he found in authentic classical literature alone reasons for believing this forgotten people to have been "one of the greatest nations of ancient Europe, who, in the course of their migrations, spread almost as widely as the Celts"

The uninscribed monuments of primitive Syrian architects—Phœnician, Hittite, and Cappadocian, their city walls and hill fortresses—have all the same general character And modern archæology agrees with classical

[1] The identification of the Khita with the Hittites was agreed on before anything else was known of the people, either from their own inscriptions, or from Babylonian and Asyrian records

tradition that many of the similar prehistoric remains in Greece are certainly not Phœnician. In Cyprus, where other traces of Phœnician influence abound, the presence of some earlier and stronger influence is demonstrated by the identity of several characters in the Cypriote syllabary with Hittite hieroglyphs. And the proposal to interpret the famous Lemnos inscription by the analogy of Etruscan while ascribing it to Pelasgians, is tantamount to a confession that pre-Hellenic, non-Phœnician culture in the Mediterranean is of the Alarodian or Leuco-Syrian type. The archæological and linguistic evidence on this head can only be alluded to here, and the scholars who supply it would be the last to regard it as complete, but it gathers volume with every fresh season's crop of excavations.

It may be objected that, by following early Greek historians in using the common term Syrian for Phœnicians and Cappadocians, the ethnological question of their relationship is begged. But the authority may be taken to indicate a superficial resemblance sufficient to justify the name, without prejudice to more serious considerations. Assuming the origin of the Phœnicians to be an open question, the difference between their culture and that of the Hittites and Cappadocians seems to be such, as the maintenance by them of a closer commercial intercourse with Egypt and Mesopotamia would suffice to explain. The Phœnicians trade with Assyrians and Semitized Babylonians. The Cappadocians come in touch with the outer barbarians of Thrace and Scythia. If they were the first to open the "Cilician gates," they would also be the main intermediaries of such traffic as passed through them from the East; but the varied and broken character of the peninsula must have kept the land trade within comparatively narrow limits, and Semitic influence would be proportionately excluded.

Accordingly, whatever is pre-Hellenic in the culture of the nations of Asia Minor will be found to retain its archaic character later than the corresponding element on the mainland or islands of Greece. The ancient customs and institutions described by Strabo and Ephorus must be as old as the remains of Boghaz-keui and Euiuk, and go back beyond the earliest suggestions of historic fact in Homeric tradition.

In the following pages it is proposed, while avoiding controversial questions, to bring together what little is known on the one hand, of Syro-Phœnician and Liby-Phœnician economy, in illustration of which a remarkable body of usage among some of the Dravidian peoples of India —on the line of ancient Red Sea trade—must be referred to; and on the other, those traces of pre-Hellenic custom, which appear to be of Alarodian origin, and may therefore be illustrated by modern Georgian, Basque, and Albanian usage. The two streams of colonization have the same direction and flow during the same period of time; and if our information were fuller, it would be desirable to treat each important point of law or custom separately, showing the places where, as well as the people by whom the custom is followed. As it is, perhaps the least unsatisfactory way of dealing

with records that have as many blanks as a damaged cuneiform tablet will be to consider the Phœnicians as a people carrying such and such customs with them, and Alarodian custom as something clinging to the dwellers in certain localities; but the distinction is merely formal, arising out of the chapter of historic accident.

# CHAPTER I.

## *THE PHŒNICIANS AND CARTHAGE*

In one passage of the book of Joshua, Canaan is called the land of the Hittites; but in the genealogy of the tenth chapter of Genesis, Heth is only the second son, and Sidon the first-born of Canaan, and in other enumerations of the dwellers in the land promised to the Israelites, the Canaanites are, and the Sidonians are not mentioned, so that the latter must have been regarded as *the* Canaanites *par excellence*, at least after the decline of the Hittite monarchy [1]

Sidon, we are told, means "fishery," and later legends, faithful to the fact that the settlement derived its greatness from the sea, make one of the first inhabitants of Sidon the inventor of fishing gear The commercial importance of Sidon, as the point of union between the trade of the Eastern and Western worlds, was subsequent to the development of its fisheries and maritime trade; but as soon as these became considerable, the traffic backwards towards the earlier dwelling-place of the people increased to the proportions celebrated in historical times The shortest route from the valley of the Euphrates to the Mediterranean is that which passes through Palmyra, but though this was constantly used for traffic in the flourishing days of the surrounding country, it was not the first one likely to be opened The route from Haran to Hamath, probably crossing the Euphrates at Thapsacus, like the later caravan track, was used by the Phœnicians from the earliest times for their trade with Mesopotamia, and the early Sidonian stations, which were founded at important junctions, both for trade and for the defence of the passing merchants, are at least as likely as not to mark the course taken by the first settlers on the coast.

When our records begin, the people of Phœnicia are cut off from their supposed kinsmen on the Erythræan Sea by a more or less completely Semitized empire But this was not the case when Haran—in Akkadian Kharran—took its name from the "road" traversed by the merchants of Southern Babylonia—for whom, no doubt, as for the later Hebrews, to reach Haran was equivalent to "going into the land of Canaan" The religious importance retained by Haran in the eyes both of Jews and Arabs is a proof that it was associated for both with their most ancient memories, while its name shows it to have been older than both.

[1] In the Old Testament, the word Canaanite is habitually used as synonymous with "merchant," but this use would serve equally well for Phœnicians or Hittites, cf. Gen. xxiii 16; the Assyrians used the name Hittite in the same general sense.

The town of Laish, afterwards Dan, was a station south of the "entering in of Hamath,"[1] where the high road from Damascus met that from Northern Mesopotamia to Tyre and Sidon Laish,[2] Hamath, and Eddana, on the Euphrates, the exact site of which is uncertain, were the chief of a series of depôts or caravanserais, established in the interest of Phœnician trade, and were themselves counted among the most ancient Sidonian colonies.

The difference of temperament between the primitive trading race and the Semitic monarchies erected over its head is exactly illustrated by the Hebrew account of how the city of Laish came to be called Dan. "The people that were therein . dwelt in security, after the manner of the Zidonians, quiet and secure; for there was in the land no power of restraint, that might put to shame in anything, and they were far from the Zidonians, and they had no dealings with any man." Such was the report of this people made by the five men of valour of the tribe of Dan, sent to spy out the land and search it, and they urged their brethren to enter in and possess it, for the land was large, and a place where was no want of anything that is in the earth So they "came unto Laish, unto a people quiet and secure, and smote them with the edge of the sword, and they burnt the city with fire And there was no deliverer, because it was far from Zidon, and they had no dealings with any man"[3]

Sidon, it seems, might have come to the rescue of her colony had it lain nearer to her doors, the treasures heaped up by the traffic of the princes of the sea enabled them to hire other men to fight their battles, and so, first the Phœnicians, and then Carthage, without altogether losing the characteristics of their race, escaped the doom which befel, sooner or later, all the other branches of it, that were not fortified against the assault of strangers by impassable wastes of sand or ocean But the native "manner of the Zidonians" is better represented by the virtues which brought the little town of Laish to destruction, than by the "Phœnician tales" and "Phœnician treaties" with which Tyre and Sidon sought in later ages to defend their commerce against the turbulent races which followed them into the Midland sea.

The great works of Movers and MM Perrot and Chipiez[4] together furnish an exhaustive enumeration of the places where the Phœnicians' influence made itself felt. But their monuments are taciturn, and even their inscriptions cast little light on the mystery of their life, while the comparatively copious tales to their discredit, preserved by tradition, are open to the suspicion which attaches to the evidence of foes or rivals. Nearly the only disinterested evidence we have as to the political constitution of a Punic State is Aristotle's description of the government of

[1] Gen xi. 31
[2] Movers, *Die Phonizier*, vol II pt. ii p 160
[3] Judges xviii 7–29.
[4] *Die Phonizier*, F C. Movers, 1841–56. *History of Art*, Georges Perrot and Charles Chipiez (Eng tr. by W. Armstrong). Vol iii *Phœnicia and Cyprus* Vol. iv. *Sardinia and Cappadocia.* Vol. v. *Phrygia, Lydia, Caria, and Lycia.*

Carthage, which was most probably modelled on that of the parent confederacy, and is, therefore, our best clue to the latter.

The greatness of Carthage, like that of Tyre and Sidon, seems of trifling duration when compared with that of the Egyptian monarchy, yet it was sufficient to suggest to Cicero a more favourable estimate of Rome's most dangerous enemy than her patriots were accustomed to form: a State, he thought, could scarcely remain so wealthy for even 600 years without "wisdom and breeding." Aristotle, too, was struck by the immunity from tyranny and revolution enjoyed by the State of Carthage, and supposed the fact to be accounted for, partly, by a wise system of State-aided emigration, and partly by other liberalities, whereby the State retained the affections of the people, and avoided the deterioration in the character of the democracy caused by extreme poverty. He commends, apparently, as a Carthaginian practice, the accumulation of the public revenues, with a view to their distribution among the poorer classes, in such quantities as may enable them to purchase a small farm or set themselves up in trade, and adds that it is "worthy of a generous and sensible nobility to divide the poor amongst them, and give them the means of going to work."

Aristotle probably acquired most of his information respecting Carthage from Phœnician sources, and he is not likely to have been misled by merely superficial resemblances when he compares its government to that of Crete and Lacedæmon. In the scarcity of other authorities his words are worth quoting in full. After speaking of the greater tranquillity of Crete, as compared with Sparta, he says:—

"The Carthaginians are also considered to have an excellent form of government, which differs from that of any other State in several respects, though it is in some very like the Lacedæmonian. Indeed, all three States—the Lacedæmonian, the Cretan, and the Carthaginian—resemble one another, and are very different from any others. Many of the Carthaginian institutions are excellent. The superiority of their constitution is proved by the fact that, although containing an element of democracy, it has been lasting; the Carthaginians have never had any rebellion worth speaking of, and have never been under the rule of a tyrant. Among the points in which the Carthaginian constitution resembles the Lacedæmonian are the following:—the common tables of the clubs answer to the Spartan phiditia, and their magistracy of the 104 to the Ephors; but whereas the Ephors are any chance persons, the magistrates of the Carthaginians are elected according to merit—this is an improvement. They have also their kings and their gerusia, or council of elders, who correspond to the kings and elders of Sparta. Their kings, unlike the Spartan, are not always of the same family, whatever that may happen to be, but if there is some distinguished family they are elected out of that, and not appointed by seniority—this is far better. . . . Of the deflections from aristocracy and constitutional government, some incline more to democracy, and some to oligarchy. The kings and elders, if they are unanimous, may determine whether they will or will not bring a matter before the people; but when they are not unanimous, the people may decide (whether or not the matter shall be brought forward).[1] And whatever the kings and elders bring before the people is not only heard, but also determined by them, and any one who likes may oppose it; now this is not permitted in Sparta and Crete. That the magistracies of five, who have under them many important matters, should be co-opted, that they should choose the supreme council of 100, and should hold office longer than

[1] This may be the sense of the text, though the words might be interpreted as meaning that the people decide the question which the other estates could not agree to bring before them. Any way, if they decide the points submitted to their consideration by the Senate and Suffeti, they must also decide those which come before them in despite of either of those authorities.

other magistrates (for they are virtually rulers both before and after they hold office)—these are oligarchical features ; their being without salary, and not elected by lot, and any similar points, such as the practice of having all suits tried by the magistrates, and not some by one class of judges or jurors and some by another, as at Lacedæmon, are characteristics of aristocracy. The Carthaginian constitution deviates from aristocracy and inclines to oligarchy, chiefly on a point where popular opinion is on their side . . . for the Carthaginians choose their magistrates, and particularly the highest of them—their kings and generals—with an eye both to merit and to wealth. But . . . if you must have regard to wealth, in order to secure leisure, yet it is surely a bad thing that the highest offices, such as those of kings and generals, should be bought." [1]

There are several points in this description which are far from clear, but to modern ideas the Carthaginian government appears more entirely "constitutional" than the kind of Greek aristocracy which serves Aristotle as a standard. The Executive has a right of initiative, but not a monopoly ; if the government will not move, and the people have a decided opinion, the minority in the executive may appeal to the assembly. The professional politician or the manufacturer of public opinion was unknown, and the real, spontaneous, and earnest wish of the people was rightly regarded as sovereign. Such commands, it was seen, would be issued rarely, or only under pressure of some strong clear motive, against which it would be vain to oppose the veto of individuals.

It is only the few who are tempted to active misgovernment or over-government, and the right of veto should therefore be reserved to the people on the propositions of the Executive, rather than conversely. The few may want to do the wrong thing, and the many may not know what would be the right thing to do, and each class is therefore empowered to provide, as may be needed, a check or an impulse. But the different *powers* of the different classes in the State are not associated with the idea of their opposite *interests*. The proposals of the executive may bear upon all sorts of subjects, and did not practically in Carthage aim at all generally at the diminution of popular rights, so that the verdict of the popular assembly served, as the vote of a second chamber is supposed to do, to secure the expression of a second independent opinion. Evidently the object of those who framed the constitution was to secure the "Great Harmony" which the Chinese considered most auspicious—a spontaneous agreement between all members of the body politic.

The Hamitic parliament abhors the idea of a division, of a mere trial of numerical strength. It is contrary to the courteous, conciliatory instincts of the race to impose an unwelcome course of action even upon a minority ; and the executive must therefore be unanimous [2] before submitting any proposal to the people. If the people disapprove, the unanimity ceases, and the proposition is withdrawn. So far as our information goes, there was no attempt to prescribe beforehand what subjects the people might discuss, and which might be decided by the Executive without reference to them.

[1] *Aristotle's Politics* (Jowett's translation), Book ii. 11, vi. 5.

[2] This demand works very differently in the case of a pacific group of tribal elders or villagers and of a turbulent feudal nobility, else the *liberum veto* of the Poles might seem to be a step in the same direction.

In Greek States such points called for regulation because, to borrow a modern phrase, the classes and the masses were always eager to encroach upon each other's prerogatives; but in Carthage, when the Senate declared war without consulting the people, it does not follow that the people were averse to the war; the reason might just as easily have been that they were so notoriously favourable to it that it was needless to go through the form of consulting them. Aristotle expressly objects that there is no legal method of dealing with the difficulty if the will of the people comes in direct collision with that of the rulers; but, as we have occasion frequently to note, it is characteristic of the first civilized race not to push matters to an extremity; and there is less chance of disturbance where collisions are avoided by mutual consent than where they are provided against by laws, which no one is likely to respect in a time of open conflict.

Other authorities do not mention magistracies of five or 104, but refer frequently to tens and thirties: the number 104 would, however, be easily made up if, like the three cities of the Sidonian confederacy, Carthage had a Senate or Council of 100, to whom the Suffeti, Aristotle's kings, and two other officers of some kind were added. The members of the Senate exercised judicial functions, and the habit of the Carthaginians of allowing the same person to hold many offices, which Aristotle criticises, is, as we have seen, strictly in accordance with Egyptian usage; since in Egypt, as in China, the "superior man" was considered as naturally capable of discharging all kinds of commissions. The Suffeti, like the Cosmi of Crete, were chosen out of any family of eminence; and, if Aristotle was correctly informed about the mysterious magistracies of five, it is probable that they also resembled the Cosmi by passing into the Senate when their term of office had expired. His words seem to imply that the Senate appointed the officers for the year, who might be senators or not, but that all who had held office became senators for life. This may be, and would not exclude the possibility of the Senate being also recruited from the Ten or the Thirty, who may have had any other sort of representative claim.

The governing class would have lost its popular character altogether if a senate, consisting exclusively of ex-office-bearers, had the sole right of appointing future officials, and was free to choose them out of its own body. One would rather conjecture that the ex-officio members were a minority, and that the rest of the Senate were also elected for their merits,—as the great court of the Thirty was in Egypt,—but elected by the local authorities they represented, not co-opted by the central council. There can be little doubt that in all cases the choice would fall upon the leading member in leading families of the clans or corporations, the organization of which was the real and living feature in the State. How far these clubs or companionships were local, technical, or hereditary, it is as impossible now to decide as it is to recover the regulations respecting their common meals; but they very probably partook in a measure of all three characters.

Justin speaks of the *decem Pœnorum principes*, who serve Elissa as counsellors, both in her flight from Tyre and when she is sought in marri-

age by an African prince;[1] and the mention throws a gleam of light upon the possible position of the "royal Tens," so frequently mentioned in Egyptian inscriptions of the ancient monarchy. In Carthage, in historical times, such a Ten were first in the Senate and the State;[2] and other Phœnician towns were officered in the same way, like Marathus, which, when threatened by the neighbouring Aradians, sent the "ten first of the Senate" with the symbols of the patron god of the city to beg for peace.[3] Josephus also refers frequently to the "Ten" of the Senate of Tiberias, where after the exile, the population was largely Phœnician, and the municipal organization therefore as likely to have followed native as Roman precedents, while in Cyprus the influence of Tyre and Sidon shows itself in the persistence of the same institution.

The Thirty at Carthage were the elders of the Senate, and in some way, which cannot be now ascertained, their authority probably depended on their representative position. Originally most likely each member of the Thirty was an hereditary prince, more or less of the Egyptian type, the "first and great one" of a local clan, or the head of an organized corporation. In complimentary or diplomatic embassies the full number of elders was employed: a deputation of thirty senators was sent to attend the festival of Melkarth at Tyre and to bear the offerings, nominally a tithe, due to the temples of the parent city from her greatest colony. Thirty ambassadors were sent to convey the submission of the Carthaginians to Rome, and on another occasion an embassy of the same number was sent to the Roman camp, while thirty senators were also despatched with full powers to mediate in the dispute between Hamilcar and Hanno; and the selection of thirty of the noblest Carthaginian prisoners by the insurgent mercenaries under Matho, points to the existence of that number of clans or corporations of some kind within the city, who were to be terrorized by the execution of a victim specially near to each of them.

Sometimes authority was delegated to a group of three officers, each naturally representing one of the Tens. The senators who accompanied the Carthaginian generals in their campaigns seem to have been three in number, or if more numerous, there were three distinguished from the others. The Senate sent three legates to treat with Regulus, and it may be taken as certain that the people of Carthage were divided into three principal as well as into thirty subordinate groups.

The numerous towns or settlements founded by Phœnician colonies, which bore the name Tripolis, only reproduced, more or less exactly, the form of the confederation between the kings of Tyre, Sidon, and Aradus; each of these cities had 100 senators, who sat together to form a supreme council or court of justice upon matters affecting the interests of the federation;[4] each of the three cities was required in the same way to furnish 100 ships to the united fleet; and of course whenever the three

[1] xviii. 6.
[2] Diod., *Frag.*, Book xxxiv. § 29.
[3] Movers, II. i. p. 488 ff.
[4] Diod., xvi. 8.

cities joined together for the foundation of a colony, the threefold division would be perpetuated, without any tribal element being involved.

Phœnician inscriptions from all parts agree in the frequency of their allusions to professional guilds or corporations, and the Phœnician inscription of Marseilles[1] speaks of the Suffeti and the Companies as in effect the governing body of the colony. The guild of the Merchants and Shipowners was undoubtedly the most important and richest, and it seems to have been required to contribute a sort of subsidy to certain colonial settlements, which had to pay rent for their factories, while their existence was beneficial to the whole body of traders. Such a special levy would be exceedingly difficult to collect if we regard it as a tax; and indeed the Government of Tyre had no means of enforcing contributions from the merchants of Rome or Delos. That the contributions continued nevertheless to be paid, with such punctuality as to hold the scattered colonies together, long after their political independence had been destroyed, seems to show that the race had gone far towards realizing the dream of modern anarchists, and that taxes were paid by consent rather than imposed by authority. And it is probable that the central government, while it subsisted, only gave effect to the initiative of the voluntary associations, which survived unimpaired after its extinction.

The Phœnicians settled in foreign parts formed corporations according to the towns they came from, in the manner of the Chinese "compatriot guilds." The privileges of the Sidonians in Athens were restricted to Sidonian citizens, and the colonial corporations were connected with similar bodies in the parent city. A letter sent by the Tyrian colony in Puteoli[2] to the Senate and people of Tyre,—"Queen of ships, the sacred, inviolable, and autonomous metropolis of Phœnicia,"—in the year 174 A.D. throws valuable light upon the relations between the different colonies and the extent of their submission to the ancient capital.

The colonists begin by congratulating themselves on the superiority of their factory to any other in the town, and then proceed to explain that the Tyrian sojourners there were formerly more numerous and wealthy than at present, while the expense of keeping up the temples and the religious sacrifices and services, and the rent of the factory remain undiminished. They therefore apply for relief to the extent of 250 denarii, the rent paid for the factory, professing their willingness to meet all other local charges themselves, and representing that their factory, unlike that of royal Rome, does not derive any revenue from "shipowners or merchants."[3]

[1] Movers (*Phonizische Texte*, Pt. 2) attributes this inscription to the 4th cent. B.C. The conclusion of a treaty between Carthage and Marseilles, regulating each other's limits of colonization, would not have excluded the existence of a large Phœnician colony in Marseilles itself; but subsequently Marseilles attached itself to Rome, and after that, a decree emanating from Carthage would hardly have been promulgated officially there.

[2] Puteoli was sometimes called "little Delos" (Mommsen, *Hist.*, iii. p. 430). At Delos the Phœnician guild of merchants and shipowners was under the protection of the Tyrian Herakles (*Numismatic Chron.*, xviii. p. 273), and the isle still retains traces of archaic domestic custom and marriage law, which may go further back than the Phœnicians; cf. Thuc., i. 8.

[3] Movers, II. iii. p. 124. *Corp. Inscr. Gr.* 5853.

When this letter was laid before the Tyrians, some well-informed person observed that the Roman factory used formerly to pay the rent of the Puteoli factory, and that if this was not done now, the men of Puteoli would wish to have their factory merged, for financial purposes, in the Roman one, they themselves sharing in the receipts and liabilities of both. The representations of the Puteolan advocate were favourably received, and the decision of the Senate was given laconically: "It always was so, let it be so now. This is for the good of the city, let the ancient custom be maintained." This decision, duly reported by Laches (the son of Primogenia and Agathopus),[1] himself one of the Tyrian sojourners in Puteoli, was duly engraved as a witness that "our country granted those in Puteoli a double station in Puteoli and Rome. This was the end of the matter."

It is natural enough that the people, who managed their own affairs successfully by means of compacts and mutual agreements, should seek to avoid the risks of war by entering into similar engagements with neighbouring powers. The Phœnicians and the Carthaginians stand almost alone in the Old World in their reliance on the methods of diplomacy and their use of treaties, as a substitute for war, not merely a record of the terms on which peace was concluded. Their preference for such methods may have been partly based upon the skill derived from experience, in which they naturally surpassed less literary nations; and this skill in discerning all the bearings of a proviso may have had more to do than their bad faith with the evil repute in which so-called "Phœnician treaties" were held, the expression having become proverbial for those in which one party gains an advantage by a calculated ambiguity of language.

It was the custom with the Phœnicians to enter into commercial treaties with the lesser States upon their lines of traffic, concerning the transit duties to be levied on merchandise; and the treaties by which Carthage bound herself to allow other nations to trade within certain limits, upon the western seas, are as well known as the famous treaty between the Egyptians and the Khita. In the first treaty with Rome (B.C. 409) the Carthaginians undertook not to establish any fortified post in Latium, and the stipulation shows that such a course might otherwise have been contemplated. So that, down to this date, Italy was still regarded by the Punic stock in much the same light as Gaul or Spain, as one of those barbarous lands where civilized traders might establish garrisons for the protection of their factories, without going through the form of negotiation.

The second treaty between the Romans and the Carthaginians (B.C. 348) forbids the former to pirate, trade, or colonize beyond the "fair promontory" of Mastia and Tarseion. Up to about this date, therefore, we may suppose that Carthaginian and Phœnician ships had the western coasts of Europe to themselves. From the first, trade followed colonization—to Cyprus, Rhodes, Crete, the coasts of Greece, Italy and Africa, Sicily and Spain; but the steady advance of the colonial outposts was always conducted with a view to the interest of the trade already established. The Phœnician

[1] *Vide post*, p. 406.

settlements in Crete were designed to facilitate the trade with Sicily and Africa; while, according to Diodorus, Malta received a Phœnician colony for the same reason, and was used as a place of refuge for vessels trading beyond it on the west.

The typical Phœnician colony was only a trading station, inhabited by dealers, who had not ceased to be counted as citizens of the parent State, who sent offerings to its temples and probably expected to return there, to end their days and be buried in the ancestral sepulchre, and who had no relations except in the way of trade with the natives of alien race around them. In Phœnicia itself the chief object of public interest was the maintenance and extension of foreign trade. The wealth of the country depended on the profits of the merchants, and it was therefore the interest of the Government to encourage and protect the adventures of the citizens. Unlike the treasures or curiosities imported by the fleets of royal adventurers, Phœnician imports were not intended to be consumed within the country, but to be exchanged for the most part for other commodities. The products of all lands were brought to market there, and the market people, after supplying all their own wants in kind, still had commodities to sell at a profit to the rest of the world.

The Government did not seek to retain a monopoly of this profit; on the contrary, private enterprise seems to have been more untrammelled than at any time before the present century. But individuals and the State were agreed in desiring to retain a monopoly of foreign traffic as against the rest of the world, hence the invention of "Phœnician lies" about the dangers of the sea, and the real dangers which "Tyrian seas" came to possess for navigators of any other nation. The mixture of timidity and arrogance, which led the Egyptians, like the Chinese, to exclude foreigners from their territory, seems to have been transformed in the case of the Phœnicians into a not less exclusive jealousy of the presence of rival traders on their beat. It was "the manner of the Sidonians" to have no dealings with any man, over and above just so much intercourse as was necessary for the exchange of commodities.

It was believed that the Phœnicians guarded their settlements against intrusion by laying waste the adjoining lands and destroying any towns near their borders, and though this is not credible as a general statement, since in many cases the trading colony relied on the independent natives of the surrounding country for its food supply, they certainly endeavoured to secure their position in some cases by deporting the natives of districts where they wished to establish permanent colonies; and it is not impossible that isolated factories may have entrenched themselves behind a strip of uncultivated ground, by a calculation like that which led Chinese emperors to protect their coasts against pirates by similar devastations.

Phœnician traders were everywhere first in the field, and it was easy for them to persuade their barbarous customers that foreigners of any other stock were dangerous and should be treated as enemies. They themselves

relied more on stratagem than on open warfare to keep the seas, which they considered their own, free from other navigators; but the story of the captain, who received from the State the full value of his ship and cargo, as a reward for having lured a rival to destruction, by running his ship upon the rocks, shows that the Government and the citizens were entirely at one upon the only grave question of foreign policy.

The merchant princes of Tyre enriched the State by enriching themselves individually; but the State still exercised some collective control over the national resources. Phœnicia did not grow corn enough to supply the population with food, and accordingly it was the custom for the king to direct purchases of grain to be made in foreign parts out of the public funds.[1] We have no reason to suppose that the corn so purchased was intended to be given away; but it is evident that, while the profits of ordinary trade were as high as the wealth of the country and Herodotus' account of a similar venture indicate, it would scarcely pay the private trader to import corn except at famine prices. It was not, however, for the interest of the State that the people should buy food at famine prices while the treasury was full and corn in Egypt and Palestine abundant; and therefore in non-agricultural Phœnicia, as in Egypt and China, it was the business of the Government to keep always such a stock of corn in its granaries as should prevent the supply of that necessary from falling short or reaching an exorbitant price.

Silver and gold, wool and purple, couches inlaid with ivory, Babylonish garments and carpets, unguents of all sorts, female slaves and musicians, are indicated by the comic poets as forming part of the typical cargo of a Phœnician merchantman, the value of which in many cases would reach a far higher figure than a small ship-owner or captain could command. As a consequence, a good deal of banking or money-lending business was done by the wealthy members of the great Corporation of Merchants and Shipowners.[2] The Phœnicians had an evil reputation with the other nations of the Mediterranean for sharp practices, and the custom of lending money at interest was considered, of course wrongly, a Phœnician invention, though it is possible that they led the way in the general substitution of loans at interest for the more primitive use of antichretic pledges.

Loans on bottomry, *i.e.* advances made on the security of the cargo of a ship putting to sea, are of a peculiarly speculative character, as the risks of the underwriter or insurance company have to be added to those of the banker. When these risks were borne by the lender, so that the loss of the ship and cargo involved the loss of principal and interest, and left the borrower, if bankrupt, at least out of debt, the high rate of interest charged was not unreasonable, since it was paid by a share of profits which were also normally high. Agreements in bottomry, by which the lender secured himself against all risk, were common in Athens, and regarded as particu-

[1] The ship and treasure carried off by Elissa were prepared for this purpose. (*Servius ad Æn.*, i. 362.)

[2] Movers, II. iii. p. 118.

larly hateful in Rome; but they were prohibited by the maritime law of Rhodes,[1] faithful in this respect also to the Hamitic habit of excluding bargains which are in their nature inequitably injurious to the weaker party to them.

In the Old Testament, the idea of a merchant is that of a foreigner; if calamity befals a trading centre, its inhabitants are expected to scatter themselves and "return every man to his own people." The trader was therefore conceived as passing his life *not* among his own people, and to such strangers the money-lender was under no special bond of charity. Any loans they might make would be loans for profit, upon which high interest could be charged without inhumanity. And it is probable that the Hebrew prohibition against lending to a brother on usury was not unconnected with this state of things; the borrowing countryman was probably a needy agriculturist, and the borrowing foreigner a trader, whose profits would exceed the highest interest he could be asked to pay. The fellow-countryman's necessities would as a rule be met by a loan for a short period,—the interval, at furthest, between seed time and harvest,—and the native capitalist, supposing him to have money lying idle or waiting for a lucrative investment, was not considered to make an impossibly heavy sacrifice in lending a small sum, for a short term, to a poor brother free of interest.

To the Greeks the name Phœnician seems to have called up the same sort of association as those which still cling to the name of Jew in circles which make no boast of tolerance; and it is probable enough that the first, like the second, great race of wandering traders was less scrupulous in its dealings with aliens than compatriots. Insincerity is the common foible of the timid, and it is certainly from a kind of timidity that Egypt and China strove so zealously to exclude foreigners from within their frontiers. Phœnicia had no frontiers save such as the astuteness of her people might set up for themselves round every fishery, factory, or seaport whither the love of gain had led them; and hence the impression they give of living, as it were, on the defensive in a hostile world, which it was their main object to overreach.

So far as the Punic race may be supposed to have merited its evil reputation, one is tempted to account for the fact by the character of its principal staples. All the products of all the countries of the world circulated in Phœnician merchantmen, but the two most considerable and most profitable articles of trade in which they dealt were human beings and the precious metals. The Phœnicians were the slave dealers and the money-changers of the Old World. And it is evident that a branch of trade, which necessarily follows the methods of piracy, is less favourable to the growth of the social virtues than the cultivation of the ground, the domestication of animals, or the arts and manufactures by which the products of nature are applied to new and varied uses. Compared with the trade in slaves,

[1] *The Public Economy of Athens.* A. Boeckh, tr. G. Cornewall Lewis (1842), p. 133.

that in metals—gold, silver, copper and tin—must seem innocent and meritorious; yet the experience of ages seems to show that, somehow or other, mining is not a moralizing industry. And the people who acted as intermediaries to the miners and money-changers of the Old World seem to have caught something of the hardness and the greed belonging to both those approaches to the sanctuary of Plutus.

Nearly all the silver in common use for trade throughout the East was brought into the market by the Phœnicians. The silver mines were few and distant; the trade was thus a monopoly, worth keeping so by the most savage treatment of suspected rivals, and, as a monopoly, so lucrative that, but for the long and costly voyage between Spain and Syria, the merchant would have seemed to get his profit for nothing. The value of silver for trade and ornament in Asia was so entirely out of proportion to the money value of the goods exported in exchange for it that the element of reciprocity, which is the socially valuable element in commercial dealings, was practically absent.

The use of silver money, though it did not originate with the Phœnicians, was no doubt promoted by their widespread dealings. The coins were always of known weight, and standing in a well-known relation to the bars used for large transactions. Barter was used with the natives of the metalliferous districts, but the demand for silver as a medium of exchange in other quarters, swallowed up all the yearly output of the mines, that did not go to swell the hoards of the kings of Western Asia.

Numerous phrases in the Old Testament illustrate the importance of the silver trade of the Phœnicians. "The merchant people" and "all they that bear silver" are mentioned in balanced clauses;[1] and "the Canaanite in the house of the Lord of hosts"[2] carried on the work of a money-changer for centuries before the Christian era. The Book of Job, to describe the value and rarity of wisdom, borrows its imagery from the art of those who find veins of precious stones and metals in the secret places of the earth. The "wisdom and understanding" of Tyre and Sidon, alluded to so often by the Hebrew prophets, were evidently conceived to lie in the mastery of this source of wealth. Sidon was famous in Homer's time for copper or bronze, and Tyre in Solomon's for bronze (the "brass" of the Authorized Version); and the Phœnicians retailed the work of all other metallurgists as well as their own, as they retailed the manufactures of Egypt and Babylonia, and the gums and spices of Arabia.

Bronze was known in Chaldæa long before the development of Phœnician trade, and in Egypt there is no reason to connect its introduction with this trade. The Akkadian hymn to Fire, which speaks of alloying copper with some other metal, must be earlier than the Phœnician trade in tin from Britain or even Portugal, but the nature of the alloy referred to can hardly be ascertained with certainty. Meltzer suggests[3] that the first alloy used may not have been real tin (plumbum album), but the silver-bearing lead

[1] Zephaniah i. 11. [2] Zechariah xiv. 21.
[3] *Geschichte der Karthager*, i. p. 16.

BENGAL SECRETARIAT

(stannum). But whenever the Phœnician trade began, the discovery of the mines and their first working must have been earlier still.

There is nothing surprising in this if we suppose Finnic tribes, skilled in the use of metals, to have spread continuously from the south and east of Europe to the far west of Britain. And certainly a race capable of making and profiting by this discovery would also seek a market for the new metal, which, passing from hand to hand, would end by finding its way into the great metal market of Sidon. It is far more probable that Phœnician merchants set forth deliberately to find an ocean route to the mines reported to exist in the north-west, than that they should have lighted accidentally upon the distant coast where the valuable metal was to be had.

Bronze and even iron by themselves do not make a *Culturvolk*, as in Africa there are still trading and metal-working tribes that have not achieved civilization. But the degree of skill and enterprise shown by such tribes fully warrants us in believing that outside the range of the earliest civilized States, there were tribes debarred by natural causes from attaining the same high level unassisted, but yet able to recognise and transport for extraordinary distances such natural valuables as their own circumstances made available. Such branches of the primitive Finnic stock as drifted towards the chill north and central lands of Germany differed only in external circumstances from their kinsmen who founded the first civilized States or cities. Civilization is like those half-hardy plants, which will bloom out of doors in the colder temperate zones, but must be, as the gardeners say, raised in heat. Civilization implies the making of things, and fewer tools are required for industry in the warmer regions, where nature makes material existence so easy and pleasant that the mental energies of the race are not all preoccupied by the quest for food. But, while things are made first where it is easiest to make them, the making of tools is itself a stimulus to invention, when the notion of making has been borrowed from without. So in the same country where the historic Briton invented the power-loom, the legendary gnome may have discovered the virtues of tin in alloying copper into bronze.

Two things are certain with regard to the continental commerce of Europe before the written history of its northern countries begins. Tin and amber were conveyed by more than one route[1] from Cornwall and the North Sea to Mediterranean ports. In the latter case the traders proceeded up the Rhine and the Aar, along the Jura to the Rhone, and thence down to Marseilles; and also across the Alps, by a track forking off, perhaps at Grenoble, into the valley of the Po, and so to the Adriatic. Amber beads have been found in quantities in the tombs at Mycenæ, and the Necropolis of Tharros, in Sardinia, as well as throughout Etruria, so that the trade was certainly flourishing in prehistoric times. The ancient kingdom of the Cappadocian Hittites served perhaps to connect the pre-Persian trade-route from Central Asia to the Black Sea with certain lines of

[1] For the discussion of the subject see Elton *Origins of English History*, and Ridgeway, *Folk Lore*, 1890, "The Greek Trade Routes to Britain."

traffic and migration indicated by more obscure tradition, and by the various evidence which has led scholars like Mommsen to hold that the Etruscans entered Italy from the north.

The trade between north and south must have been in touch with these movements in Eastern Europe, and in both east and west commercial intercourse seems to have been relatively more advanced than political organization. A tradition lingered into historic times of trade routes through Gaul and Spain, enjoying special security and protection by the guarantee of the native population. Mr. Ridgeway quotes from the *Book of Wonderful Stories* a passage which certainly seems to indicate the existence of a kind of "truce of commerce," which could hardly be instituted save by branches of the primitive, pacific, trading race: "They say that from Italy into Keltike, and the land of the Keltoligyes and Iberians, there is a certain road called that of Herakles, by which, if any journey, whether Greek or native, he is protected by those who dwell along it. For those in whose vicinity the wrong is done have to pay the penalty."[1]

Apart from the Phœnician sea trade, Cornish tin was conveyed partly by water to Armorica and to Marseilles through the west of France; but also to the east of England (partly overland, by the route known later as the Pilgrims' Way), and from the east of Kent, possibly to the seat of the amber trade, as well as to a route through the east of France, starting from the short Dover crossing. Buried hoards of tin and amber have been discovered along these routes, hidden, no doubt, when the caravan was attacked by enemies or fell a victim to the natural perils of the road. One period at which these tin and amber tracks were in regular use is dated for us before the 3rd century B.C., as imitations of two types of Greek coins are found, distributed for the most part along these two routes. The earlier of them is copied from coins of Massalia and Rhoda, and the later, first struck about 250 B.C.[2] by the Arverni, from gold Macedonian staters. But at that date the roads were already ancient, since there are few more lasting institutions than a line of traffic; and amber, we know, made its way somehow as far as Greece and Sardinia, before Rome or Carthage were cities. This trade cannot have originated with the Phœnicians, but it was characteristic of their enterprise that they should have aimed at putting themselves in direct communication, by sea, with the tin-bearing island, as soon as the value of the product became known to them.

When we are able to fix the place, in a list of industrial genera and species, of the fossil remains of archæology, the merest trifles may become as eloquent as a new inscription, and we have, no doubt, much still to learn of the range of Phœnician trade from such indications. An ingot of tin

[1] *The Origin of Metallic Currency and Weight Standards*, by Prof. W. Ridgeway, p. 107. The archaic representations of Herakles with the lion's skin are unmistakably derived from the typical Babylonian group of Gilgames and Hea-bani (Perrot and Chipiez, iii. 570), and the existence of any such tutelary monument would at once explain the name of the road, and show its real genealogy; which is also illustrated by transitional Cypriote forms.

[2] W. Ridgeway, *Folk Lore*, 1890, p. 99.

found in Falmouth harbour exactly resembles the shape of a soapstone mould found at the Zimbabwe ruins in Mashonaland,[1] as well as several knuckle-bone-like casts found in undoubted Phœnician settlements. And it is quite possible that we may be able ultimately to distinguish between relics of Syrian and Syro-Cappadocian traders, as we can already distinguish between the genuine wares of Egypt and Babylonia and the cheap, inferior imitations of them made to sell by Phœnician dealers.

Glass-making and dyeing were the only characteristic Phœnician industries. They copied Egyptian faience badly, but carried the art of inlaying glass (with patterns in coloured threads), and the manufacture of gold ornaments, to a higher point of mechanical perfection and delicacy than their more artistic precursors and successors.[2] They may also have originated the practice of painting on earthenware, of which Greek art was to make such striking use. The hieroglyphs used in Phœnician decoration are quite meaningless; scarabs found in Sardinia, made of native stones, during the period of Carthaginian rule, mix Egyptian and Chaldæan motives. Scarabs, bearing Assyrian figures, for use as signets, and the clumsy imitations of Chaldæan characters, also testify at once to the source of the trader's inspiration, and to his remoteness from it. The sphinxes used in Phœnician decoration combine Egyptian and Assyrian types, and the stock Babylonian *motif*, of two rampant animals opposed, became a commonplace of arabesque ornament. Where there is least deliberate imitation in the figure groups of Phœnician design, a real change in the costume of the people shows itself, answering to the spread from a hot to a colder or variable climate, examples being found of clothing in every style, from Egyptian simplicity to Chaldæan fulness.

The art, like the written character of Cyprus, occupies a singular position. It appears to be a compromise or cross between the art of Egypt and Assyria and that of Greece. The costume is Assyrian, but Assyrian art was only known through Phœnician commerce, while the Greek tendency was original and spontaneous, and the imitation of Egypt perhaps direct. Homer regards Cyprus as a Phœnician, copper-working island; and in the Odyssey, like Egypt and Phœnicia, it is a very distant country. Of its three chief pre-Hellenic cities, Kition, Amathus, and Paphos, the first two remained Phœnician to the latest moment, while Salamis was always Greek. The advent of Greek settlers has been variously placed between the 9th and the 12th centuries B.C., and one legend places a Cypriote thalassocracy of thirty-three years in the 9th century.

The Cypriote inscriptions contain about fifty-five signs of syllabic value, with traces of cuneiform, Hittite, or Lycian influence on the characters, while the language is an archaic Greek dialect, any way earlier than the Cadmeian alphabet. But it is a curious problem how the Greeks of Cyprus, in spite of all other traces of Phœnician influence, should have retained so much independence as to prefer their archaic inferior character,

[1] *The Ruined Cities of Mashonaland.* J. T. Bent, 1892, p. 182.
[2] *History of Art*, English trans., iii. p. 728.

when the rest of Greece had adopted the more modern Phœnician alphabet.

It is a possible view that the primitive non-Phœnician element in the population belonged to the pre- or proto-Hellenic stratum, which in Lemnos retained an archaic language as well as an archaic character; and may have been, as it were, at first hand, under the same kind of influence as the Phœnicians, instead of only deriving its Orientalism from them. Otherwise we should have to suppose that the Phœnicians introduced the syllabary to Cyprus when they knew nothing better, and discarded it themselves in favour of the superior invention when alphabets came in. They were ready to learn whatever other people could invent, but the more inventive mixed race is less ready, than the mere middleman, to discard ideas which it has made its own, in favour of new foreign inventions. Aphrodite may be only the goddess Istar in disguise, but once established as the island queen, she is not to be dislodged; and in Cypriote chapels peasants still adore the mother of Christ under the name of the "Panagia Aphroditissa."[1]

The language and coinage of Malta and Gaulos (the modern Gozzo) continued Phœnician after both had fallen under Roman dominion; and some headless stone figures found in the Maltese temple have unfinished, but enormously fat limbs and trunk, as if the obesity admired by the men of Punt and some modern Africans had been cultivated there. The peculiar mannerism of archaic Cypriote and Etruscan, or indeed of archaic Attic art, a slanting upturn of the eyes following the corners of the half-smiling mouth, may be taken, according to the æsthetic or ethnological preoccupations of the student, as showing the artist's vain desire to realize Leonardo's favourite type of beauty, or to represent a Chinese cast of feature. In either case the tendency is exaggerated by the lack of technical skill. Phœnician sarcophagi give representations of Etruscan-like feasts, with family groups, recumbent at table; father and mother, for instance, with a child apiece, and another man; while sometimes figures of both sexes are shown dancing round a flute player, or round a cone.[2]

The temples of Byblos, said by classical travellers to be most ancient, are only known from coins,[3] but in them a sacred cone was evidently the chief object of reverence, and the Cypriote coins show a similar use. At Lixus, a city with very remarkable remains, at one time only second in importance to Carthage, a cone was found of hard stone, not native to the country; and the use of the same emblem at Zimbabwe is one of the reasons for supposing the settlement there to have belonged to some offshoot of a related race. Lixus was a citadel to defend a port, with, of course, a temple thrown in;[4] and this is the regular type of Phœnician settlement. They built nothing magnificent, except quays and harbours, and had but one style of architecture for tombs, temples, and forts.

[1] *History of Art*, p. 628. [2] *Ib.*, p. 619.
[3] Figured *l.c.*, p. 60, and *Buried Cities of Mashonaland*, p. 127.
[4] *History of Art*, p. 337.

The rock tombs of Phœnicia borrow one of the most elaborate of the Egyptian peculiarities—the long, descending, subterranean gallery, by which a secret chamber in the deepest recesses of the monument is reached; but this feature was not carried to their further colonies, though, curiously enough, something like it still obtains among the tribes of East Africa. The earliest Phœnician tombs found in Cyprus (the Necropolis of Alambra), attributed to the 11th century B.C., contained, when opened, what had been found in no Syrian tombs of equally early date—the bodies in their original place, without sarcophagi, lying on shelves, cut in the rock. And the tombs of Idalion, though less ancient than these, still show no trace of Greek influence, such as was felt in the 6th or 7th century. At Carthage the dead were thrust head foremost into a niche, the niches in separate tombs varying in number from three to twenty-one. Tharros in Sardinia has a large Necropolis in the same style, where scarabs and amulets, with a marked Egyptian character, have been found, with inscriptions that have been read, but not translated, in minute characters. The jewelry there was Asiatic in type, and the earliest pottery Cypriote. The models of boats, found in tombs at Amathus and elsewhere, have a sort of head in front to carry a conspicuous eye, after the Egyptian and Chinese fashion.[1]

Fragments of the ancient walls of the cities of Sidon and Aradus are still in existence, the wall resting on the living rock, which furnishes as it were the first courses. Ditches for defence were made by excavating the rock to be used in the building. Work of different dates is often found side by side; the earliest of all is probably like the so-called Cyclopean walls, with no attempt at regularity in the blocks themselves, or the courses of unmortared masonry. Even where the stones are squared, one of extra size is allowed to overlap into two or three rows, and the blocks run much larger than in ordinary Hellenic work. Three blocks near the base of the Temple of the Sun, at Baalbek, average over twenty yards in length; in the temple of Gaulos, which the peasants call Giganteja,[2] the stones are from ten to twenty feet long, one enormous row resting on the ground, above which are fairly even courses of imperfectly squared smaller stones. At Hagiar-kini, on the adjoining island of Malta, a temple door is cut in a monolith; but of real architectural skill, as distinct from mechanical solidity, there is no sign.

Citadels and outposts were well planned for defence. Banias, a little town at the north end of the territory of Aradus, defended on two sides by a stream, was secured on the third by a fortified wall with angles, salients and recesses in the style cultivated by engineers from the days of Gudea to Todleben.[3] The Phœnician wall of Eryx, at the far west of Sicily, resembles in its masonry, as well as in the use of double walls and maze-like passages, the citadel of the Mashonaland gold miners and the walls of Tiryns and Mycenæ. The outer wall is defended by rectangular towers at short intervals, and the arched gateways are interesting on account of

[1] *History of Art*, pp. 212, 228, 235, 517. [2] *Ib.*, p. 292 ff.
[3] *Ib.*, pp. 326, 332.

the various devices used as a substitute for the true arch. At Thapsus, a Tyrian colony, due west of Malta, on the African coast, there are three walls, with ditches and casemates, and, according to Appian, the upper stories, reached by an inclined plane, were used as stables.[1] Subterranean cisterns provided water for the garrison, and the mole of the harbour was built with perforated channels to let the force of the waves disperse.

The "pleasant houses" of Tyre, of which Ezekiel speaks,[2] have left no traces; most private buildings were probably of wood; but in the three chief cities of the confederation, the demand for buildings within a narrow area seems to have raised the price of land, and at Tyre and Aradus houses were higher than at Rome, while as many as six stories were to be found in the main streets of Carthage.[3] The immense cisterns of the latter city, which still remain, were filled with rain-water, collected from the streets, which were paved and channelled to receive it; arrangements were made for filtering and the cisterns walled with concrete to prevent loss from evaporation, which adds so seriously to the magnitude of irrigation enterprises in Africa. Large open-air cisterns were also provided for irrigation and the use of animals.

The principle of the Artesian well must have discovered itself, so to speak, to the Phœnicians, and besides the famous submarine spring of Tyre, there are remains of interesting waterworks on the mainland, four or five miles south of the city. A short distance from the shore, some natural springs of great strength have been enclosed by massive walled towers, rising nearly twenty feet above the ground, and with a total depth of eighty or ninety feet, the level of the spring having been raised artificially for irrigation purposes.[4] The canal which brings the water to Tyre was clearly not made by the Romans, though the towers have been repaired by them.

Very little is known of the domestic and social customs of Phœnicia. The Sidonian kings protected their tombs with imprecations of the usual sort, and were sometimes married to their sisters. With regard to family law, the inscription of Puteoli, previously quoted, seems to point to some heirship of daughters. It will be remembered that the claims of that settlement were advocated in the Tyrian senate by Laches, "son of Preimogeneia (*sic*) and Agathopus."[5] Boeckh comments on the fact of the mother's name being mentioned first, and asks if it can be a sign of anything like the Lycian custom having prevailed in Tyre. But when we take the mother's name itself in conjunction with the precedence given to it, it seems obvious to conclude that the heirship of the eldest daughter was known among the Phœnicians, as among the Egyptians and the

[1] The best preserved portion of the buildings explored by Mr. Flinders Petrie at Naukratis is described by him as consisting of a system of chambers and passages, "each only accessible at the height of seventeen feet from the ground." (*Naukratis, Egypt Exploration Fund Publications*, 1888.)

[2] xxvi. 12.

[3] *History of Art*, iii. p. 355.

[4] *Ib.*, p. 357.

[5] *Ante*, p. 396.

Basques, and that descent might be traced and property inherited through the mother, at all events when the mother was a first-born child.

If this indication may be depended upon, it would be fair to assume that Phœnician law was in harmony with the archaic elements of the Syro-Roman code described hereafter, and with modern usages which go back to similar originals. The only traces of the common meals, which were a prominent institution in Carthage, are met with among Berber tribes. And we have more than one testimony to a fundamental sympathy between the Tyrian and Libyan subjects of the city. The charge said to have been brought against Hanno, that he made his townsmen Africans instead of Tyrians, proves that the African towns had a distinct type of civilization of their own, and that this type had attractions for the Punic race. But, on the other hand, it was observed, as lately as in the days of Sallust, that the language alone of the inhabitants of Greater Leptis had been affected by their intercourse with the Numidians: "leges, cultusque pleraque Sidonica."[1] Yet Leptis was only a tributary town, not one of the colonies or confederated States which shared both the laws and civil rights of the mother city.

Little or nothing is known of the rules of inheritance or the position of women in Carthage. But the Numidians, it is scarcely possible to doubt, will have shared the most primitive customs still prevailing among the Hamitic tribes of Africa, by which descent is counted through the mother, and property transmitted to nephews rather than sons. Libyan custom in this respect was probably more archaic than Phœnician, and considering the persistence of related customs even to the present day, one is tempted to believe that the Liby-Phœnicians are more likely to have adhered to African than to Tyrian custom where the two differed. And, at the same time, we are assured that the two did *not* differ generically; so that, whatever the native African custom may have been, it was not strange or startling to Phœnicians in the sense, for instance, that Lycian custom was to the Greeks.

Such general considerations of probability do not carry us far, but there are one or two other shreds of evidence pointing the same way. De Slane, in his translation of Ibn Khaldoun's History of the Berbers, observes that if *Mas*, which is so common a beginning of African proper names, means son, as has been supposed, it must mean mother's son, having the same value as the Etruscan suffix, because divers sons of the same king have different names beginning with this prefix.[2] It has also been noticed that in Plautus reference to the *materfamilias* is much commoner than to the father.[3] It is common in Carthaginian and Phœnician genealogies for grandsons to bear the grandfather's name, but in Numidian, as in Etruscan bi-lingual inscriptions, the Latin versions omit details which are contained

[1] *Jugurtha*, 78, 4.

[2] *Histoire des Berbères et des Dynasties Musulmanes de l'Afrique Septentrionale*, par Ibn Khaldoun, tr. de l'Arabe by M. le baron De Slane (1852), vol. iv. p. 500.

[3] Bachofen, *Das Mutterrecht*, p. 9. He cites Hugo, *Rechtsgeschichte*, v. p. 131, 11th ed., but I have been unable to verify the reference.

in the other portion,[1] and very probably in the one case, as in the other, the native version gives prominence to the maternal ancestry.

Faidherbe also notices the number of names beginning with *Mas*,[2] and observes that in the middle ages the most numerous tribe of the Moghreb was called Masmouda, and was supposed to be descended from Masmoud, of the tribe of Masmata, in whose genealogy are five brothers called Beni Mastcouda after their mother, whose name has the prefix mas, followed by the feminine sign t.

The use of writing was common in Carthage long before Greece, and when the city was destroyed, whole libraries of Punic works were found there, though the Romans, less enlightened in this than the Semitic conquerors of Babylon and the Tatar kings of China, made no effort to preserve or utilize them; with the exception of a treatise or two on agriculture and cattle-farming, subjects as to which the Carthaginians, whose whole territory was cultivated like a garden, were admitted to be authorities. The existence of copious records and writings of all kinds is of course an argument, both in this case and that of the Phœnicians, for the probable existence of materials[3] which may have been used, at first or second hand, by later compilers like Justin, as well as by the political philosophers of Greece; so that the scattered references to Punic laws and constitutions which have reached us are probably fairly trustworthy as far as they go, though miserably meagre compared with what they might have been, if the countrymen of Scipio had possessed the smallest spark of historic insight or curiosity.

The scraps of Punic in the *Pœnulus* of Plautus may be taken to correspond with the "All right," "Good morning," "Goddam," which mark the travelling Briton in French comedy; and it is almost startling to find in this meagre repertory of phrases a reminiscence of the copy-book morality of Egyptian epitaphs and Confucian table-talk. The Latin phrase describing the respectability of Antidamas is not particularly characteristic: "Eum fecisse aiunt, sibi quod faciendum fuit;"[4] but the Phœnician original of this is rendered by Movers: "A man of whom people said that he did everything which a just man ought to do." Here we have the two characteristic elements in the Egyptian and Chinese standard of propriety: the idea of the good man, who does what ought to be done, and the idea of a public—neighbours, fellow-townsmen or fellow-villagers—whose favourable opinion is looked for and respected, while its expression is taken as conclusive. The phrase is evidently a stock one, likely to strike foreigners by its frequent recurrence, or to linger in the memory of one long absent from his native land; and we are justified in inferring from it

[1] General Faidherbe, *Collection complète des Inscriptions Numidiques*, 1870, p. 53.
[2] *Ib.*, p. 36.
[3] Pliny says that cedar beams in the temple of Apollo, at Utica, remained undecayed 1,178 years after the foundation of the city, implying that the precise date of this event was on record. (*Hist. Nat.*, xvi. 79, 3.)
[4] *Phon. Texte. Pœnulus*, v. 1.

that in Carthage, as in Egypt, the opinion of the people was a real social power.

It will be remembered that the phrase, "a praiseworthy man, praised by the praiseworthy," is old Egyptian, and that the ideal of the righteous man "who loves his town," and "fulfils what it is becoming for him to do," is also old Akkadian,[1] and without claiming a monopoly for such copybook morality on behalf of any race, we may note the tendency in Plautus to make a catch-word of the corresponding phrase,[2] which also represents the ideal of the Canary islanders, and the highest flight of Melanesian ethics.[3]

We may get a clue to the temper of the Carthaginians in yet another quarter. Varro, Cato, and all the other Roman writers on agriculture and cattle farming, refer to the precepts of the Carthaginian Mago, which Varro had gone so far as to excerpt at length, that he might read them over at intervals to his cowman.[4] It is curious to contrast the treatment of cows and oxen, as prescribed by the Carthaginians, with the treatment of the human livestock recommended by the great Roman citizen, whom Roman opinion accepted as a typical and admirable Roman. Modern humanitarianism and modern science have nothing to add to Mago's counsels as to the breaking in of oxen for the plough, which are just such as are given nowadays by the most cunningly humane of horse breakers. The animals are to be shown everything before it touches them, to be caressed with the hand before being harnessed, and taught to associate the presence of the herdsman with the bestowal of tempting food, a south exposure, a hard dry floor, with a sufficient slope to procure good drainage, are all insisted on, and in general, the success of the Carthaginians in stock farming seems to have been obtained by the same kindly methods as those which prevailed among the animal petting and worshipping Egyptians.

The Roman's agricultural slave had a very different lot. The idea that it could pay to keep *him* in good condition or good temper had clearly not occurred to Cato; the stewards were valued in proportion to their energy as slave-drivers, and the unhappy ration eaters of the Roman landowner had an allowance of bread and wine narrowly calculated to keep them in working order—4 lbs. of bread a day in winter, and 5 lbs. during the summer months of continuous field labour, while as to clothes a tunic was to last two years and then be returned to make into patchwork.[5] The economic brutality implied in the reduction of the winter rations is one which we should vainly seek to parallel in all the records of the primitive domestic civilizations. "Carthaginian soup" (made of oatmeal, new cheese and honey), for which Cato gives the recipe,[6] is far more likely

[1] *Ante*, p. 245, n. 1.
[2] *E.g. Panulus*, V. vii. 18. *Captivi*, II. iii. 28, 80, etc.
[3] *The Melanesians*, p. 274. "Who was the man of good character and life?" *Ans.* "He was one who lived as he ought to do."
[4] *De Re Rustica*, II. 5. Columella, VI. 1. Palladius Rutilius, IV. 12.
[5] *De Agri Cultura*, §§ 55, 58. [6] *Ib.*, § 85.

to have represented the ordinary fare of the labourer than the Roman bare allowance of bread

The bulk of the people of Carthage were not agriculturists, but townsmen Persons of consideration were said to despise retail trade, as the Chinese do trade in general, and, though the upper classes were allowed to engage in commerce on a large scale, many of the nobles preferred to live on their country estates Some of these might be descendants of the hereditary princes, chiefs of the clans who divided the lands in the original settlement, but besides these large proprietors, there were lands regarded as State property, and let to cultivators at a normal rent of a quarter the nett produce[1] Such cultivators were presumably Libyan Phœnicians, and if they were not required to pay tithe to Carthaginian temples, their position would not be much inferior to that of the tax paying peasantry of Egypt, and certainly far preferable to that of Cato's farmers

It is impossible to say whether Justin's report of a prohibition against learning Greek is based upon any real regulations tending to limit or discourage intercourse with foreigners But there would be nothing surprising about the adoption of such measures, in a State which had some of the qualities common to Egypt and China, along with those derived by inheritance from Phœnicia When the subject of Phœnician and Carthaginian religion has been re handled in accordance with modern scientific methods, some light will no doubt be cast upon the general temperament and affinities of both settlements The Chinaman in European law courts is still supposed to swear upon a broken saucer, but the antiquity of that custom is still a matter as to which a conscientious scribe must "leave a blank in the record," so that it would be premature to connect with it the breaking of a plate with a guest friend among the Carthaginians[2] But "the two triads of Hannibal's oath to Philip of Macedon,[3] —sun, moon, and earth, rivers, meadows, and waters,"—which may be said to include the main objects on which Phœnician worship was based,[4] take us back to the naturalistic foundation of all archaic Asiatic worship That rivers should be sacred to gods and trees to goddesses seems a late development, but the reverence for mountains or "high places" and for meteoric stones is nearly as ancient as the more rational devotion to "the spirits of the land and the grain"

The use of human sacrifices and the torture of criminals may be thought fatal to any claim of the Carthaginians or the Punic stock in general to credit for humanity Yet there are two possible explanations of the former trait If Phœnician religion, as commonly supposed, were of Semitic origin, it would be a sign of simple cruelty, like that of the Assyrians, or of diseased asceticism, such as grew up in parts of Asia

[1] According to Cato, in the best soil the Latin *métayer* only had one eighth or even one ninth of the gross produce, on bad soil the tenant had one fifth, *i e* just what the Egyptian peasant paid as rent.

[2] Plautus, *Pœnulus*, v 1

[3] Polyb, vii 9, 2

[4] *Encyclop Brit*, *s v.* "Phœnicia"

Minor. If, however, the Phœnicians belong to an earlier stock, related to the men who, in prehistoric times, "gave their children to war-horses," it would be a mere survival from primitive savagery, such as is at the root of the rare outbreaks of Chinese brutality, and would not, by itself, be conclusive to condemn their general temperament.

Any kind of barbarism may be made tolerable by habit, but nations which have grown up by the constant assimilation of new elements are further removed from such crudities, because the barbarisms recommended by habit are different in the case of each element, and are each in turn rejected by the rest. Phœnicia had no national life, and was always ready to borrow (especially anything that it could hope to sell again); but it did not assimilate its loans, and hence, while teaching the rising generation of nations, it remained in itself more essentially unprogressive than Egypt or China. A secluded nationality, of conservative race, may grow and develop slowly upon its own lines; but the scattered members of a conservative race, as is seen in the case of the modern Arab and the modern Jew, have no characteristic progress of their own, and have no genuine participation in that of the alien nationalities, which they do not cease to influence.

## CHAPTER II.

### *PREHISTORIC POPULATIONS OF ASIA MINOR, GREECE, AND ITALY.*

THE hypothesis which conceives the wanderings of the Phœnicians to begin at some point east of Egypt and south of Mesopotamia, implies an antiquity for that people going back beyond the earliest mention of the Hittites in history. But in Northern Syria the relative precedence of Hittites and Phœnicians must have been reversed, and, though Sidon eclipsed Hamath and Carchemish in the eyes of the West, the East continued, down to the age of Sargon, to use the name Hittite in as wide a sense almost as that borne subsequently by the term Syrian.

This fact helps to pave the way for the suggestion, based on recent archæological discoveries, that most of the ancient kingdoms of Asia Minor were founded by offshoots from a white Syrian stock of the Hittite type, and that the direction of the famous Persian "royal road" from Susa to Sardis was determined by the situation of their capital cities.[1]

Long before the re-discovery of the place occupied by the Hittites in the ancient history of Asia, the historians of art in Asia Minor were struck by the resemblances of scattered monuments for which no common name or origin could be suggested then. And MM. Perrot and Chipiez are now disposed to attribute all these monuments to Syro-Cappadocian kings, ruling over some branch or offshoots of the Hittite people. Professor Ramsay, on the other hand, argues from the ruder character of the Cappadocian sculptures to their greater antiquity, and conjectures that the kingdom of which Pteria, or the ruined city of Boghaz Keui, was the capital, may have been in its prime first; and that dependencies of this empire grew into the Hittite kingdom, when the power of Pteria declined in consequence of Phrygian attacks from the west.

The latter theory presents some chronological difficulties, as one set of considerations date the decline of Pteria about 900 B.C., while another set carry the national existence of the Hittites back to at least 1500 B.C. or 1600 B.C. At the same time, there is nothing in the known history of the Syrian Hittites to lead us to credit them with schemes of distant conquest and aggression on a scale sufficient to carry their arms to the Black Sea and the Gulf of Smyrna; and it is true that the rudest sculpture of the Cappadocian monuments has more the appearance of an early original effort than a late copy from finished models.

[1] Prof. W. M. Ramsay, *Historical Geography of Asia Minor*, pp. 26–34.

All the facts would be conciliated by a third hypothesis, which would also account for the adoption by Persia of the northern trade route by Pteria to Sardis. The highlands from Elam to the Caucasus, which form the spine of the country between the four seas, were certainly inhabited, more or less continuously, by tribes or nations akin to the men of Sumer and Akkad. The early documents of Babylonia and Assyria naturally only mention such of these stocks as came in contact with the kingdoms of Mesopotamia. But the history of Armenia does not begin with the Assyrian campaigns against its fortress cities, and Kummuh like Van may have enjoyed a measure of civilization akin to that of Elamites and Kassites, for as long a period as the people of the Khita. Except when there was a rich river valley to be plundered at their feet, the mountain races of ancient Kurdistan had no craving for extended empire. One capital city sufficed for a kingdom, and the leader, who wanted to found a new State, had only to follow fresh highland passes to find new valleys and hilltops on which to plant a new capital. Cappadocia was probably colonized, and its prehistoric monuments erected, by independent princes of this type, rather than by any extension of Median, Armenian, or Hittite conquests.

Any way, the range of historic conjecture is limited practically to three points, at which the peninsula is accessible from Central Asia. The so-called Cilician gates, the natural boundary between Cilicia and Cappadocia, do not supply the most favourable opening for the colonization of the interior from Syria. The passes of the Amanus or Syrian gates only open the lower country within the Taurus, traversed by the Pyramus and Sarus and reaching as far as Tarsus; that city of ancient and possibly of Hittite origin was so accessible to Syria that when Tyre and Sidon succeeded to the commercial supremacy of Carchemish, Tarsus also took a Phœnician colouring. The scarcity of Hittite monuments in Cilicia may be accounted for in this way, but the explanation would fail if we had to suppose Hittite kings of Cilicia, colonizing and building along the northward road, which, ultimately, connected Tarsus and Sinope.[1]

Commagene, the territory of which Samosata was the natural capital, may have been included in the Hittite empire, when that was in its prime; and may have become independent later, as it was when invaded in the ninth century by Assyria. Hittite remains have been found at Marash, the road junction presumably corresponding to the Roman Germaniceia. But though the Taurus can be passed from thence by two or three routes, and without much difficulty by the one leading to Arabissus or Albistan, this track always remained one of secondary importance. It was not the direct route between two political centres.

The case is quite different with the royal road of the later Persian empire, which following the course of the Upper Tigris past Diabekr, crosses the Euphrates at Tomisa, nearly due east of Melitene, where there is a

[1] The comparatively late rock monuments of Ibriz are thoroughly Assyrian in style.

momentary break in the mountain ranges at the junction of the Tokma with the Euphrates. In later times a road from Samosata to Melitene skirted the right bank of the Euphrates, but the bold westward course followed by the royal road, and the fact that Tomisa, on the left bank, was counted as a Cappadocian fortress, forbid the conjecture that the Cappadocian part of the road was opened from Commagene.

Whether Central Cappadocia was settled by Hittite, Median, or Armenian conquest, or by some independent Alarodian migration, it is a simple fact, established by the labours of modern archæologists, that the country was colonized by a people resembling the Hittites in architecture, costume, and hieroglyphic writing. Further discoveries may throw light on the question of their origin and starting point, but for the present we may be content with noting those geographical points, where characteristic monuments, proper names, and institutions are found, in those parts of Asia Minor which must have been first approached by the eastern land route.

The exact course of the Persian and Roman roads east of the Cataonian Comana is still uncertain, but there can be little doubt that both passed through Comana to Mazaca (Cesarea), which Strabo calls the capital of the Cappadocian nation. At Mazaca the road is joined by that through Tyana from Tarsus, which goes due north to Pteria (or Boghaz Keui), and Sinope. The later Roman road from Ephesus by Laodicea, Apameia Celaenæ, and Archelais, which passes south of the central salt desert, is both more direct and easier than that by Pteria, Ancyra, and Pessinus; and the preference of the latter, as Professor Ramsay has shown, can be best explained by the situation upon it of the ancient city, which the importance of the surrounding monuments prove to have been at some period the capital of Northern Cappadocia. The bridge by which Crœsus crossed the Halys to attack Pteria is a sure sign of the existence of a great highway prior to the first conquests of Persia. But it was a commercial, not a military highway. Assyria knew nothing of the world beyond the Halys, and to Assurbanipal himself, as we have seen, Lydia seemed as far off as the remotest deserts of South Arabia.

Pteria must have been the capital of Cappadocia when the Leuco-Syrian race was supreme in Asia Minor. Monuments and hieroglyphs testifying to its presence have been found near Ancyra:—a lion of Hittite type at Kalaba, and, a few hours to the south-west at Ghiaour kalesi, "the fortress of the infidels," both Cyclopean walls and Hittite figures.[1] Further on upon the same road, a pre-Phrygian figure and Hittite inscription were found by Professor Ramsay in the neighbourhood of the Midas Necropolis. The same people who built Euiuk and Boghaz Keui doubtless continued their route beyond Sardis to the Mediterranean, to Cyme and Phocæa on the one hand and to Ephesus on the other; the pseudo-Sesostris bas-relief at Kara-beli and the so-called Niobe of the Sipylus remaining to record

[1] *History of Art*, iv. p. 712 ff. The orientation of the temple at Euiuk is the same as in Babylonia, the corners facing the cardinal points.

the fact, while the historic markets of Gordion and Keramon agora may also have been open as long as the trade route itself.

West of Tyana and south of the central salt wastes, traces of Hittite or Syro Cappadocian work are found as far as Lake Caralis, where remains of huge walls, and figures carved on the rock, in Hittite costume, but with something like the Assyrian winged disk overhead,[1] show that Lycaonia had been subject to the same influence as Tarsus. In fact, when the physical geography of Asia Minor and the lines of modern exploration are taken together, it does not seem unreasonable to suppose that, wherever no such monuments have been found, it is either because the nature of the country did not admit of their erection, or because they have not yet been looked for

The central plateau of Asia Minor, exclusive of the salt lakes and desert, consists of hills and valleys, with alluvial plains and rivers, tending to become choked at their mouths It includes about two thirds of the whole peninsula, a portion of the area is steppe, only good for pasturage, part is woodless, and part still covered with ancient forests, in spite of the thriftless forestry of the Turks, it is still possible to go from Brousa to Trebizond without leaving the shelter of the woods, and where woods give water, the soil is fertile. The two natural architectural products of a forest bearing country, the log hut and the châlet, have existed from all time in Asia Minor, the modern Yuruk lives in one, and the ancient Lycian was buried in the other But the friable rocks in parts of Cappadocia also invite cave dwelling, and many modern villages on the plateau shelter themselves from the severity of the winter season by building their huts underground. Phrygian architecture preserves the memory of yet a third form of primitive dwelling, in the façades covered with geometric patterns evidently copied from the native carpets, used as hangings

The mountainous south coast, facing Crete and Rhodes, is badly supplied with ports and rivers, which helps to explain the transfer of maritime enterprise to the islands. Ionia, with its milder climate and less rugged river valleys, was also more favourably placed for coast traffic, especially before Miletus and Ephesus had met the fate which now threatens Smyrna, and were still seaports. Cappadocia, though less favourably endowed by nature, was civilized first from the east, the order being the same in space and time, Hittites or Leuco-Syrians to the right of the Halys, Phrygians at the source of the Sangarius and the Mæander, and Lydians on the Lower Hermus appear in history in that succession

Archæologists without any bias in favour of pre Aryan wisdom were the first to raise the doubt whether Greece did not owe more of her art, architecture, and religion to Leuco-Syrian influence, than had been hitherto suspected by historians. MM Perrot and Chipiez ask whether this connection of Northern Syria and Pteria contributed anything to the art and thought of Greece, either directly or through the intervention of Lycians, Carians, Phrygians, and Lydians. And Prof Ramsay, following a differ-

[1] *History of Art*, p 723 ff

ent train of argument, concludes: "Lydia certainly did not learn religion from Greece, but Greece probably did from Lydia," and avows that "the conviction has gradually forced itself" upon him that, notwithstanding the superficial Hellenizing or Latinizing of the speech and culture of the towns, the mass of the people and the country remained essentially oriental, continuing to speak their own barbarous tongues, and retaining for centuries, in spite of their rulers, the primitive names of cities as old as the undeciphered hieroglyphs buried in them

Where names, language, and religion remained unaltered, it would be strange indeed if no traces of archaic native usage survived, and, where art and religion were borrowed, it would be strange too if nothing in the way of custom or institutions had been transmitted from the earlier race to their neighbours and conquerors Without presuming to challenge—what may, however, be called in question hereafter—the Aryan origin of the Phrygians, it may be assumed that all which the Greeks supposed themselves to have borrowed from the Phrygians, was borrowed by the Phrygians from the ruling race of Cappadocia And in general, whatever we find common to the primitive stocks of Asia Minor and the nations of the West, may be regarded, failing definite information to the contrary, to be derived by the West from the East, rather than conversely

By the light of this rule, Strabo's account of the Mazaceni[1] acquires a new significance He says of them briefly that they "follow the laws of Charondas, and elect a Nomodist (or Chanter of the Laws), who, like the Jurisconsults of the Romans, is the interpreter of their laws" What the real character of the laws of Charondas may have been is no doubt a difficult question, to which we must return presently, but there were usages in Southern Italy bearing that traditional name, and supposing similar usages to prevail in Cappadocia, an educated native of Pontus, like Strabo, wishing to make the character of the latter clear to the learned world, could not do so more compendiously than by referring to the well-known name and code. Only, as it is more reasonable to compare the younger community with the elder than conversely, Strabo really must be taken to say that Œnotrian custom, like the prehistoric architecture of Sicily and Sardinia, was Leuco-Syrian in character, which again is virtually equivalent to claiming for it Alarodian affinities

The traditional date of the Heracleidæ (500 years before Gyges, who is dated by Assyrian records B C 687–653) would coincide with the decline of the Hittite power, and the contraction of the Cappadocian kingdom within the Halys when confronted by Phrygians The Lydian monarchy itself might have been the result of the isolation, between the Phrygians and Ionians of the coast, of some branch of the Leuco Syrian stock, grown into a nationality in contradistinction to those neighbours, though friendly to the latter in proportion as they were without political organization. The tradition which in the days of Herodotus attributed the invention of retail trade to the Lydians[2] is not without significance as to the character of

[1] xii ii 9. [2] i 94

their civilization, a trading race of merchants differs from one of shop keepers, and that the Lydians should have made themselves remarkable in the latter direction harmonises with the view that their wealth was due to the combination of agriculture, industry, and trade, as well as to the gold washings, which gave a sensational aspect to the rumours concerning its extent

It is not as far from Lydia to Etruria as from Mazaca to Rhegium, and the suggestions of relationship are more numerous and familiar, while the connection between the prehistoric inhabitants of Greece and the known races of Asia Minor is closer still The whole of Greece, or nearly so, was claimed as having once belonged to one or other of the legendary races Ephorus said that Peloponnesus itself was anciently called Pelasgia, and Strabo does not even think it necessary to quote authorities for the assertion that the whole country called Ionia was formerly inhabited by Carians and Leleges. The noble families of Ionia intermarried with Lydian, Phrygian, or Cauconian kings, and it was at Miletus that the Carian custom of the separation of the sexes at meals was in force

The account generally accepted of the migrations of the Pelasgi represents them as having spread from Asia Minor, *via* Lemnos, Imbros, and Samothrace, to Thessaly and the coasts of Southern Italy The Locrians, of whom more hereafter, were considered to be Leleges, not Pelasgi, and some writers speculated as to the identity of the former people with the Carians Hesiod makes Locrus the leader of the Leleges, and, what is still more to the purpose, Aristotle in his lost work on Polities,[1] calls the later Locri Leleges, observing that they occupied Bœotia, while there is something decidedly matriarchal in the story he tells, *a propos* of the polity of the Leucadians, of an original inhabitant named Lelex, who had a grandson *by his daughter*, named Teleboas, besides twenty two sons bearing the same name. There is the less reason to hesitate about accepting this tradition as preserving a real *trait de mœurs*, as the Locrians, according to Polybius,[2] had a nobility of a Hundred Houses, in which the ancestry was traced from women And when the Ozolian Locrians from the Gulf of Crissa made a settlement (originally) on the Zephyrian promontory, the modern C Bruzzano, certain of these women accompanied the colony, and their descendants were counted noble and called "those of the Hundred Houses"

Pelasgians are mentioned as having been met with at some time or other in Lemnos, Imbros, Samothrace, Scyrus, Athos, Metaon in Lesbos, Parion on the Hellespont, Placia and Scylace on the Propontis, Cyzicus, the island of Besbicus, Pitane, Antandrus, the coast of Torrhebia, Termerion in Caria, Malia in Attica, in the region between Mount Hymettus and the Ilissus, and the promontory of Colias, and in Thebes, besides Pelasgiotis in Thessaly, and Creston on the Echeidorus, near the Thermaic Gulf In Lemnos a pre-Hellenic inscription has been found, which most scholars, who have attempted to read it, agree must be interpreted by the analogy

[1] Strabo, vii vii 2 [2] xii 5

of Etruscan, viewed as a member of the Finno-Ugric family of speech. And the learned and cautious German who has written a monograph on the subject[1] believes it to be of Pelasgian origin. It is accompanied by a profile outline of a warrior with a spear, whose regular but somewhat stumpy features and bullet head present an almost startling resemblance to Babylonian busts of the Gudea type.

The alphabet used resembles those of Phocis, Elis, Teos, and Miletus, and Dr. Pauli thinks the date cannot be earlier than about 650 B.C., which, as Pelasgian custom will have lasted if anything longer than the language, leaves ample time for borrowing. Taking the evidence of language only, there are two suffixes (ss-s and -nd) constantly met with in the names of places where the Pelasgi-Tyrrhenians are supposed to have passed,[2] and the names themselves are repeated unchanged, or with trifling variations, not merely in Thrace and the Troas, Hellas and the Ægean Isles, but in Lydia, Caria, Cappadocia, Cilicia, and Northern Syria. Strabo enumerates fourteen different Larissas—a name or word which has always been recognised as Pelasgian—and the termination, which is common in the regions above enumerated, is rare or unknown elsewhere. The constant repetition of the same city name is a token of its significance; Carian and Lycian personal names resemble those of places, and both are characteristic of the language. Names of this type cling to the rivers and mountains, which is a sure sign of antiquity, and they extend more widely than the legends of Pelasgian origin, while following the same direction, so that the legends certainly do not exaggerate the diffusion of the stock.

Dr. Pauli thus arrives, from historical and linguistic considerations, at exactly the same result as that advocated on ethnological grounds by von Luschau,[3] in the official account of the travels in Lycia and Caria, conducted at the expense of the Austrian Government. He considers it is clearly made out that there was a stratum of population in Western Asia, to which the Lydians, Carians, and Lycians belonged, which was neither Semitic nor Indo-German, and he proposes tentatively to connect both the Pelasgians and the Etruscans with this widespread prehistoric stock—a conclusion to which the evidence of archæology has already been seen to point. It has been proposed to connect the Sumerian Larsa with the Pelasgian Larissas, and it is remarkable that the two suffixes already mentioned appear also in Kassite and Armenian proper names, the terminal *s* especially being almost universal.

A Larissa and Laranda[4] lay only a few miles to the north and south of

[1] *Eine vor-Griechische Inschrift von Lemnos*, C. Pauli.

[2] Ilissus, Parnassus, Cadyanda, etc., etc. Cf. also the terminations *tta*, *itta*, and *etta*, common to Etruria and some parts of Asia Minor (S. Reinach, *Bab. and Or. Record*, vi. 4, p. 85), to which should probably be added the Etruscan *ena*, *enas* (Mommsen, *Hist. of Rome*, IV. p. 133), and perhaps the feminine diminutive *inna* (*Ancient Greek Inscriptions in the British Museum*, Pt. IV., Sect. I, DCCCIII.). Cf. also, for geographical and linguistic traces of Pelasgi, Dr. E. Hesselmeyer, *Die Pelasgerfrage und ihre Losbarkeit*, pp. 5–43.

[3] *Reisen in Sudwestlichem Klein-Asien.* Eugen Petersen und Felix von Luschau, 1889.

[4] The association of characteristic names and institutions is too common to be worth noting, except for an exhaustive statistical comparison. At another Larissa there are five

Comana on the road to Mazaca, and the persistency of such names is witnessed by the fact that another Laranda, in Lycaonia, is still called so by the native population, though the official modern name is Karaman. The Cataonian Comana, situated in a deep and narrow valley of the Anti-Taurus, was the original from which the temple rites and priestly privileges of the Pontic city of the same name were copied, and it is reasonable to suppose that the worship figured on the bas-reliefs of Iasali kaia and Euiuk was also of the same character. The inhabitants of the city were Cataonians, over whom the priest, according to Strabo, exercised concurrent jurisdiction with the king; while the servants of the temple, numbering over 6,000 persons, both men and women, were exclusively subject to the authority of the priest, who enjoyed the revenue of a large tract of land adjoining the temple. "He is second in rank in Cappadocia after the king, and, in general, the priests are descended from the same family as the kings."[1]

The same religion was practised by a population conscious of a kind of solidarity and continuity in its settlements; for a temple in Morimene,[2] governed and endowed in the same way, though on a scale only half the size of Comana, was counted as second in dignity to it. But Morimene is on the west bank of the Halys, between the river and Lake Tatta, and so quite off the highway from the south to Pteria. Its two frontier towns bear the characteristic names Parnassus and Soandus, and the district would be naturally opened either from Tarsus and Tyana on the south or Mazaca on the east. A main road from Parnassus to Ancyra rejoins the "Royal Road," and it is possible that, if the kingdom of Pteria concentrated itself within the Halys, the Leuco-Syrian monuments west of that river may have been the work of a branch passing north-west from Comana and Morimene to Pessinus. Any way, the characteristics of Pessinus are derived from the pre-Phrygian inhabitants. It was an important centre of trade as well as of the worship of the mother of the gods, venerated under the native name of Agdistis; and here also the tradition of the ancient sovereignty of the priesthood, and the memory of their vast endowments lingered late.

Similar traces of ancient priestly wealth and sovereignty are recognised in the neighbourhood of Tyana, famous under Imperial Rome for a sacred spring, and as a great centre for horse-breeding, of which Professor Ramsay writes: "There is every probability that the breeding of these horses belonged to the priests of Zeus Asmabaios or Asbamaios at an early time, and that the property and the trade was inherited from them by the Cappadocian kings and the Roman emperors. Prof. Sayce informs me that

eponymous tagi. The town of Kus in Caria, built on a scarped height, has a temple of Hekate, which possesses the right of asylum. Alabanda is famed for luxury and singing girls. The ancient temple of Zeus at Labranda "belongs peculiarly to the city" (Strabo, xiv. ii. 23). The office of priest is held for life by the most distinguished citizens, and a paved road, called the Sacred Way, sixty stadia long, leads from the city to the mountain village where the temple stood.

[1] xii. ii. 3. [2] *Ib.*, § 6.

some of the clay tablets inscribed with cuneiform characters, which I purchased from a dealer in Kaisari, relate to the sale of horses."[1]

The archæology of Leuco-Syrian religion would no doubt repay minute and disinterested investigation as richly as the kindred field of art, but to bring together an enormous mass of intrinsically unincteresting material from several distinct and difficult regions of research is a work which few are willing to take without the stimulus of a disqualifying bias. The worship of trees, of high places, of "angels" or tutelary spirits was widely diffused, and all seem to have been associated with traits that point to primitive Babylonian rather than specially Semitic precedents. A sacred grove at Tavium, a fort and market place between Pteria and the Halys, was used "as a place of refuge" as late as Strabo's time; the worship of angels, against which St. Paul warns the Colossians, was tinged with idolatrous associations till the 6th cent. A.D. or later, and the character of the idolatry suspected may be inferred from the inscription of Miletus, in which the archangels of the seven planets are invoked to protect the city.[2]

It is vain to wish now for the light which adepts duly initiated in the Greek mysteries would undoubtedly have been able to throw upon the conceptions of their Phrygian or Cappadocian teachers. But it is not absolutely impossible that by some lucky chance faint hints may yet become available from the opposite quarter to assist the speculations of modern scholarship. The view that the teaching of the mysteries was directed towards a sort of meditative realization of the story of Demeter and Persephone,[3] with cosmic or ethical applications *à discrétion*, may be confirmed by further knowledge, for instance, of the meaning of obscure Egyptian texts; not, of course, because of the mysteries having been imparted, as so much ready-made wisdom, from Egypt, but because the esoteric doctrine of learned priests in the pre-alphabetic world may have spread as widely as the habit of allowing slaves or suppliants to take sanctuary with the god, or that of endowing priests to carry on the worship of the gods at their own expense.

In China the most transcendental religious duty clearly imposed by the sacred texts is the duty of a pious king to meditate after his accession upon the virtues of his father or great ancestor, and to realize, as vividly as possible, the image of his living being.[4] Curiously enough, the only body of Christian missionaries, who have established a really firm footing among the Chinese, are the followers of the Spanish, or perhaps rather Basque, author of the "Spiritual Exercises," the method of which is exactly to cultivate the art of realizing, with the clearness and impressiveness of material vision, all the incidents of the New Testament narrative. Such psychological

[1] *Historical Geography of Asia Minor*, 1890, p. 449. The tablets in question, there was reason to believe, had been found in the neighbourhood of Tyana. The latest "revival" of archaic religiosity at Venasa is also curious. *Ib.*, p. 292. *Church in the Roman Empire*, p. 456.

[2] *Church in the Roman Empire*, p. 480; *C.I.G.*, 2895.

[3] *New Chapters in Greek History*, by Percy Gardner, 1892, p. 392.

[4] *Li-Ki*, xxi. ii. 2, 3, 4; *Sacred Books of the East*, v. xxviii. p. 211.

coincidences are as well worth noting as details about the structure of the hair, or the colour of the eyes in different races, and they cannot mislead if no unduly wide inferences are drawn from them; while they may yet come in useful,—it is impossible to predict when or how,—if securely pigeon-holed in the commonplace book of science.

Direct information about the political constitution of Leuco-Syrian States is scantier in proportion than that concerning their religion, but the use of the number three in tribal divisions, joined with decimal, or more rarely duodecimal classifications, appears common to the Leuco-Syrians with the Phœnicians, so that the question arises whether its frequency among later Greek and Italian settlements is not to be accounted for by another instance of borrowing from the earlier colonists of the Mediterranean basin. The very word tribe itself is a witness to the great antiquity of a threefold division of the community, since the Romans, from whom we borrow it, came to use the word for a third part, or dividing into three, in the general sense of a part or division.

Mommsen himself raises the question, "whether a triple division of the community was not a fundamental principle of the Græco-Italians;" [1] and only hesitates to answer it in the affirmative, because the classification is common rather than universal among these stocks. But it is general if not universal among the preceding generation of settlers, so that the most natural explanation of its frequency among the Græco-Italians would be their having borrowed it; and its presence in any district would be an indication of the preponderant influence exercised there at some period by the earlier race.

In the Doric States there were three tribes divided into ten phratries. In Sparta each Phyle had ten chiefs, or phratriarchs, thirty in all, represented by twenty-eight elders and two kings; in Crete there were ten cosmi, one for each phratry, who, with the elders, formed the senate. In Athens the four tribes were each divided into three phratriæ, and these again into thirty gentes. Besides the Greeks, the Cretans and Rhodians, the Lycians, Carians and Galatians had the same threefold division. The duodecimal division, originating with Babylonia, was commonest with the Aramaic stock; it recurs, however, whenever towns or districts are divided into four quarters,[2] to which there is also a standing tendency; and it is met with in Etruria, where the metric system was duodecimal.[3]

Legend divides Attica into twelve poleis, which would give four triads, but this is not more historical than the twelve cities of Etruria. The tetrakomoi and trikomoi of historic Attica represent a primitive grouping of villages; the latter is found in the valley of Cephissus, a river name of Pelasgic type, and met with also in Phocis, Bœotia, Salamis, Sicyonia, etc.

[1] *Hist. of Rome*, Eng. trans. (1868), vol. i. p. 46 *n*.

[2] The city of Thurium, founded by exiles from Sybaris, had four divisions or streets, crossed by three streets, dividing the whole into twelve sections.

[3] Busolt points out that the nine archons and fifty-one epheti at Athens together form a body of sixty, double the great council of Sparta; but sexagesimal divisions suggest still remoter parallels.

The Triphylia in Elis again is associated with Cyparissia, and, according to Herodotus, with a primitive Cauconian population Orchomenus, famous for its Cyclopean remains and mural decoration of Egyptian pattern, is situated on the Bœotian Cephissus, above Lake Cephissus or Copais, where there are remains of subterranean channels,[1] representing a skill and experience in irrigation works beyond anything that can be ascribed to the Greeks of Homer or Hesiod

The Galatians, already mentioned as sharing the common threefold division, were further divided into tetrarchies with separate military and judicial officers The council of the twelve tetrarchs consisted of 300 persons,[2] who had jurisdiction in all capital causes, those of minor importance being decided by the tetrarchs and the judges. The Soanes, one of the wildest of the Caucasian tribes,[3] was also governed by a king and a council of 300 This system of government by representative councils, which prevailed also among the Berbers in Africa, was never fully adopted by the Greeks, among whom, indeed, it is scarcely possible to conceive the endurance for centuries of such a bond as that between Tyre, Sidon and Aradus, or the Lycian and the Etruscan towns

The Amphictyonic body is said to have included originally twelve cities, and considering its associations with the temple of Delphi,—which, like the oracle of Dodona, goes back to the period of Pelasgic ascendency in Epirus and Bœotia,—it appears probable that the Greeks may, after all, only have inherited and adapted to their own ends a sort of sacred league or covenant, which existed before their arrival As Grote observes, the

[1] Leake's description of the citadel on the west, and the *katabothra* or subterranean water course on the east of the marsh of Like is still the clearest, and brings into the strongest relief the points of resemblance between the archaic remains of Orchomenus and those, not only of Asia Minor, but of South Arabia The hill top is enclosed by a city wall, outside of which is the so called Treasury But the highest part of the hill, instead of being enclosed, to form an Acropolis, in the usual Greek fashion, had "only a small castle on the summit, having a long, narrow approach to it from the body of the town, between walls which, for the last 200 yards, are almost parallel, and not more than twenty or thirty yards asunder . . . The access to the castle from the city was first by an oblique flight of forty four steps, six feet wide and cut out of the rock; and then by a direct flight of fifty steps of the same kind" (*Travels in Northern Greece*, ii pp 146, 7)

Still more characteristic is the series of shafts (of which Leake counted sixteen), by which the underground channel of the river was reached (*ib.*, 280–294), so that its course could be kept free from obstruction He estimated the length of the subterranean passage at only half the thirty stades described by Strabo, but even for that distance it is improbable that a purely natural channel should have been open continuously, but to improve and keep it cleared would be an easy task for any people who had a tradition of artificial irrigation canals, reached in the same way and carried underground to avoid loss from evaporation under a burning sun Cf Yule's *Marco Polo*, i p 116, *post*, p 527 and App. F

[2] An archaic inscription of Tegea mentions a magistracy of 300 in that Arcadian town (*Bulletin de Cor. Hellénique*, 1889, p 281 ff)

[3] Their descendants, the Suanes, or the people of Suanetia, still enjoy the same reputation, and modern travellers dilate on their savagery, and thievish and murderous proclivities Yet even among them a latent aptitude for self government may linger still, at least, Mr Freshfield and his friends were startled by being asked by their guides, each of whom had at least half a dozen homicides to answer for, what they considered the best form of government These political philosophers had never heard of England, but they were much tickled by the British response, that it was certainly a bad form of government which allowed one village to steal cattle from the next

Delphic oracle was consulted by Lydians, Phrygians, and Italians as well as Greeks, and its fame was established before Hellas was in a position to impose its fashions on other countries. Ephorus, who probably represents the Pelasgiotic tradition, seems to have looked upon the oracle as the first source and centre of civil wisdom, and therefore as coeval with the civilized settlements before the Hellenes

The priestesses of Dodona seem to have exercised some kind of judicial authority, and the story of a quarrel between the Pelasgians and the Bœotians, preserved by Ephorus, like that of the disfranchisement of the Athenian women,[1] very possibly preserves the memory of a real contest between the two races, in the elder of which women possessed civil and political rights not accorded them in the other. The Bœotians had been told by the oracle that they would prosper in the war by committing an act of impiety, upon which they slew the prophetess, meaning thus to comply with the oracle, if it were genuine, and to punish her if it was deceitfully intended to tempt them to the guilt of sacrilege. The murderer was tried by the surviving prophetesses, but the Bœotians objected to a tribunal of women, so an equal number of men were appointed, who voted for acquittal, overruling the women who condemned.

The story of the Athenians tells how, in the reign of Cecrops, the olive and a spring of water came out of the ground at Athens, the oracle, when consulted, declared which divinity each of the gifts proceeded from and was sacred to, and an assembly of the whole people was called to choose which should be the patron of the State. The men voted unanimously for Neptune and the spring of water, the women for Minerva and the olive—and the women were more numerous by one and carried the day. Neptune in his wrath overflowed the land, and to appease him, the women were disfranchised, and children ceased to be known as formerly, by their mother's name. The absence of any reference to this legend in the plays in which Aristophanes satirizes the pretensions of women is an argument against its popularity in historical times But its existence can only be explained either by the presence in Attica of a pre Hellenic population, with Lycian usages, or by the hypothesis of a matriarchal stage in the development of the Greek race.[2]

The Amphictyonic body included some of the tributary or subject tribes of Thessaly, whose position resembled that of the Perioeci of Lacedæmon,

[1] Told by St. Augustine after Varro *De Civ Dei*, xviii 9

[2] Professor Ramsay's remarks on this subject (*Trans Ninth Or Cong*, ii p 389) are much to the purpose "Most of the best attested and least dubious cases of *Mutterrecht* in Ancient History belong to Asia Minor; and it has always appeared to me that the sporadic examples which can be detected among the Greek races are alien to the Aryan type, and are due to intermixture of custom and perhaps of blood, from a non Aryan stock whose centre seems to be in Asia Minor, others, who to me are φίλοι ἄνδρες, differ on this point, and regard as a universal stage in human development what I look on as a special characteristic of certain races." At any rate, it will hardly be said that all mankind has passed through a stage in which mortgages are uniformly "Welsh," or the eldest child always joint owner with the parents of the patrimony, institutions which are now seen to be about as widespread as the polygamy of women and the custom of tracing descent through the mother.

usually considered to represent the subjugated survivors from a former race of occupiers, and this fact by itself gives a presumption in favour of the antiquity and pre-Hellenic character of the institution. Every Amphictyonic State was required to keep the roads and bridges within its territory in repair, and it is possible that the "sacred road" owed part of its sanctity in the first instance to its function of keeping the country open for other purposes than religious worship. The roads leading from Sybaris to the Tyrrhenian Sea were protected in the interest of traffic only, to enable the wares brought by the friendly Milesians to reach Etruria overland, and between Haran and Iberia there are other examples of the tendency to regard high roads as sacred in themselves.

Councils of Six Hundred are not so common as those of Three Hundred, but there are two notable examples of them. Marseilles was governed by a council of 600 *timuchi*, or persons having honour and esteem, of whom fifteen formed a presiding executive, three of whom again had the chief authority, while one of the three took precedence of the rest. And a similar government by Six Hundreds prevailed in Malabar, where it was undoubtedly connected with the archaic sexagesimal notation, even if not with the Babylonian "chiefs of the Six Hundred of the country."

So far as the Romans are concerned, it is highly probable that the names of the three ancient tribes (Ramnes, Tities, and Luceres) were of Etruscan origin, as an Etruscan writer quoted by Varro states.[1] The threefold division answers to no living reality in Roman history, while it was reproduced in every Etruscan town, each of which had always three gates and three sanctuaries. Mantua, which remained Etruscan to a late period, had three tribes and twelve curiæ, each of the latter under the presidency of a Lucumo, a half-priestly, half-princely chief, of whom twelve in all, like the Twelve Pastors of China and Babylonia, were regarded as "kings" of the allied people. The Romans also speak constantly of the Etruscan federation of "Twelve" cities, though the figure is purely conventional, as the number of cities in the League fluctuated and generally exceeded that limit.[2]

These numerical coincidences would not perhaps be of much weight by themselves, but they are generally associated with one or other of the more distinctive institutions of the early Hamitic and Alarodian civilizations: care for the preservation and commemoration of the dead; common meals; the heirship of daughters; the election of rulers and their control by public opinion; or the combination of royal and priestly functions, either in the same hands or in the hands of associated rulers, together with minor particularities of civil and domestic law which the reader will readily recognise as they recur.

[1] O. Muller and his editor are disposed to see in this an indication of a former period of Etruscan dominion, the Servian constitution representing a reaction against this. (*Die Etrusker*, ed. Deecke, vol. i. p. 355.)

[2] Strabo mentions an independent tradition according to which the Tyrrhenians founded twelve cities in Campania after they had been driven from the Po, before being again dispossessed by the Samnites.

## CHAPTER III.

### *THE ETRUSCANS, LYCIANS, AND RHODIANS.*

THERE will be little difference of opinion as to the place of the Etruscans, the Lycians, and the Iberians of Spain and the Caucasus in a sketch of pre-Hellenic custom; and as to the less well-known nations of Asia Minor, Hellenic influence is not taken for granted without positive evidence. The case is different if we venture to suggest that the settlements in Greece and Italy, which were most famous for their laws and customs, may have inherited the latter from the same pre-Hellenic population; and that, in fact, the laws ascribed to Charondas, Lycurgus, and Minos were not originally promulgated in Greek; or that the seven sages of proverbial fame may have been mainly of barbarian parentage. It will be prudent to stop short at the contention that the legendary law-givers were admired by the Greeks of history, as men admire exotic rather than home-grown wisdom; and that much which was strange to the average Greek would have appeared natural and matter of course to the earlier stock.

### § 1. THE ETRUSCANS.

With regard to the origin of the Etruscans, the received view of the ancients from Herodotus to Strabo, makes them an offshoot from the Lydian people, and therefore, at one time, natives of Asia Minor. "Lydian" and "Etruscan" were used almost as convertible terms to describe the luxurious garments used and sold in Etruria; and the general acceptance of, what Mommsen calls, "one of the most unhappy complications of historical tradition," must have been favoured by general superficial likeness between the later culture of the two regions. On the other hand, no theory of the origin of the Etruscans can be really acceptable which does not account for their possession of a most unplaceable form of speech, a singularly isolated member of an almost unknown family.

Interpretations of Etruscan have hitherto had nearly as bad a name as discourse about Pelasgians, but the recent discovery of a long text (of 1,200 words) on the linen wraps of a mummy,[1] supplies materials of which modern scholarship will doubtless avail itself successfully. The text

[1] It was brought from Egypt in 1848, and the characters have been more or less cursorily inspected by Brugsch and others in the interval, but it has only recently been read and printed. *Die Etruskischen Mumienbinden des Agramen National Museum. Krall. Denkschriften d. Kais. Ak. d. Wiss.*, vol. 41. Vienna, 1892.

contains several formulæ where the same words recur with a difference, so that the contribution from it may be of more importance grammatically than lexically. It contains various additional numerals, and from the position of these in the repeated phrases, the learned editor conjectures the text to contain a piece of sacrificial ritual.

Before this important addition to the Etruscan vocabulary, the weight of authority was tending to the belief in the Finno-Ugric affinities of the language. And the affinities of the people will be the same, whether they are supposed to have reached Etruria by sea or land. The trade route believed to have run from the Black Sea, up the course of the Danube and on to the Adriatic, must have been opened when the stream of Pelasgian migration was in full force, and there is no reason why it should not have been followed by the ancestors of the Etruscans on their way to the Tyrol, supposing them to have entered Italy that way, or by the Rhætian Alps, as Mommsen is inclined to think.

Festus speaks of the *Rituales Etruscorum libri* in terms implying that we have lost in them something analogous at once to the "Rites of Chow" and the ancient law books of the Iberians. They described the founding of cities, the dividing of the people, and all the ordinances relating to peace and war, together with the methods of divination, and solemn forms adopted from them by the Romans in their public ceremonies.

The constitution of the confederacy and the mode of life of the Etruscans approach in many respects to the Syrian type. Commerce and agriculture alike flourished under the protection of the confederate towns, and after they had abandoned piracy and even ceased to push their trade aggressively abroad, they still found means, by developing the internal trade of Central Italy, to provide themselves with luxuries and wealth. In irrigation and the "regulation of the waters," even of that very troublesome stream the Po, they were eminently successful; by a daring calculation, they led the unmanageable surplus waters through canals into lagoons to the south, which they trusted in time to see converted into solid land, by the deposits, which, if undiverted, would have obstructed the river mouth, and so turned a thriving seaport into a decaying inland village. They were expert in the art of finding water, and the invention of the arch and the construction of the Cloaca Maxima at Rome have also been claimed for them.

Like the Lycians and the Egyptians, the Etruscans were great tomb-builders, and, like them, built their tombs more or less upon the model of a dwelling-house, and decorated them with family portraits and domestic scenes. In spite of the decorations borrowed from Greek mythology, it is evident from the tombs that the worship of ancestors took precedence in Etruria of the worship of the gods. The funeral inscriptions of the Etruscans resembled those of the Lycians and Egyptians in other important particulars. Sometimes the father and mother of the deceased are both named, but most frequently only one parent, and then it is always the mother. In bi-lingual inscriptions, where the Latin gives both parents'

names, the Etruscan often omits the father,[1] and it is very plausibly conjectured that the suffixes given to the names of the deceased and his mother in these inscriptions should be rendered literally by the Egyptian formula: "So and so, born of such a one,"[2] the lady of such a man or house. As in Lycia, the monuments of women are numerous; husband and wife are represented side by side, both in life and death; and we know also, from the scandalized expressions of Latin writers, that it was usual for women to take part in family feasts.

The precise position of the eldest son is not clear. Müller suggests that Lars was the title or proper name of the first-born, as a means of accounting for its frequency, and it is certain that the eldest son was regarded as the representative of the whole family.

Etruscans of the most distinguished families only bore two names—a personal and a family or surname; but such of them as settled in Rome naturally desired to follow the fashions of that city, and accordingly provided themselves with a nomen and cognomen by uniting the family names of their father and mother. But even here the character of the national usage reveals itself; the surname, as we should say, is taken from the distaff side, and it is by his *mother's* family name that the friend of Horace and Augustus is still familiarly known. The Etruscan Cvelne Mæcnatial latinized his name into Cilnius after his father, and Mæcaenas after his mother, both of whom boasted descent from the commanders of legions. And it is evident from such a use of the metronymic that the Lycian use must have prevailed in Etruria. Pride of race and a taste for long pedigrees seem to have been a general characteristic of the people, judging from Persius' warning to a youth, not to boast too much of being able to track his ancestry to the thousandth branch on the Etruscan genealogical tree.

## § 2. LYCIA.

The Lydian monuments bearing the signature of Syro-Cappadocian artists are the strongest evidence as to the presence of a corresponding element in the population. In the case of Lycia, the inscribed monuments are comparatively late; archaic lions and a group of man and lion, approaching the stock Babylonian type, have been found at Xanthus, but the remains of archaic institutions are more abundant in proportion than those of archaic art. The Alpine character of the country affected its customs as well as its architecture. Besides the well-known stone tombs in which the beams of the original timber structures are copied, a bas-relief giving the view of a fortified town, with stone walls and towers, shows that the dwellings within it were timbered like so many Swiss châlets. Like the Basque villages, those of Lycia have summer pasturages on the hills, to which great part of the population resort during the summer months, and

[1] Cf. *ante*, p. 407.
[2] Cf. *ante*, p. 112. "*Enfanté par . . . .*"

it has been suggested[1] that the silence of the oracle of Apollo at Patara for half the year and the absence of eighty families at a time from Xanthus were owing to this custom. The Lycian college of diviners at Telmessus also had an ancient, wide-spread, and lasting celebrity.

In connection with the question of the diffusion of customs of the Lycian type, it may be noted that, while Lycian and Carian citadels resemble those of Phœnicians, Hittites, and Cappadocians, the walls of Tiryns were ascribed by tradition to Cyclops from Lycia.[2] The so-called wall of the Leleges at Iassus consists of a towered enclosure of wide area, as if to include huts. The walls are over three yards thick, the courses regular and the joints vertical, otherwise the masonry is unsymmetrical, single stones measuring three feet across occurring at intervals. Tlos, with its impregnable Acropolis, Pydnai, a fortress with eleven towers, placed at intervals round an irregular polygon, and the Acropolis of the Carian city Alinda, are other examples of the so-called Cyclopean architecture in its traditional home.

Herodotus describes the Lycian customs as partly Cretan and partly Carian,[3] and supposes the people themselves to have been derived from the first barbarous occupants of Crete—a relationship which might be acceptable if the supposed order of migration were reversed. We hardly know enough of Carian custom to judge what divergence from Cretan usage an approach to it would imply; but as, in Herodotus' time, Crete was Hellenized and Lycia the seat of a pacific civilization, it is probably the more archaic side of Lycian usage that was called Carian. Another tradition makes the Leleges rulers over Carians in Crete, while a Carian author speaks of his countrymen having reduced them to slavery like that of the Helots and Penestæ;[4] from which it is at least safe to conclude that both existed together in relations implying the Leleges to be the more ancient of the two.

The Carians have left nothing behind them but citadel walls and polyglot *graffiti*. The furthest point to the west at which distinct traces of their settlement is met with is in Africa, in the name of one of the towns restored or refurnished with colonists by the expedition sent under Hanno in the first half of the 5th cent. B.C. "to found cities of Liby-Phœnicians" on the coast of Mauretania. One of the towns mentioned as already existing is called "Carian wall,"[5] and the name must undoubtedly have preserved the memory of one of the early pre-Hellenic generation of colonies. As bi-lingual mercenaries, the Carians probably

[1] *Hist. of Art* (Eng. tr.), v. 344. The god only spoke in winter, and was supposed to adjourn to Delos for his summer villeggiatura. Cf. Herod., i. 182, 176. Xanthus, it may be remembered, suffered two sieges, preferring ruin to surrender.

[2] Strabo, viii. vi. 11.

[3] i. 173.

[4] Müller, *Frag. Hist. Gr.*, iv. 475. Strabo (xiv. ii. 28), in referring to some of these "various accounts," speaks of "the Carians, then called Leleges . . . governed by Minos," and this association of ideas is nearly all that tradition has to contribute.

[5] The so-called Periplus of Hanno is translated at length in the first volume of *Purchas his Pilgrimes*, p. 78.

did almost as much as the Phœnicians by their commerce, to interpret between the nations of the East and West; and "Pram the interpreter," whose votive inscription in hieroglyphs and Carian is preserved in the Gizeh Museum, may be allowed a passing mention as the representative of a type.

The most striking of the Lycian customs is of course that of tracing descent in the female line, and of taking—as might be said of the Etruscans—the mother's, not the father's name, while the right of citizenship also was derived from the mother; the children of a slave mother took servile rank, while those of a free woman by a slave father also followed their mother's status. Agriculture and cattle-breeding were the staple industries of the Lycians, and their manners and customs continued unchanged long after the country was included in the empire of Rome. Good government and aversion to violence were the characteristics of the State and people by which foreigners were chiefly impressed, in spite of the facilities for piracy afforded by good harbours on a rugged coast.

Lycia was allowed by the Romans to retain, to an exceptional extent, the kind of republican freedom to which her people were attached. According to Strabo, twenty-three Lycian towns formed a sort of federal union, governed by a congress, forming the earliest example of a representative assembly in the modern sense.[1] Other writers speak of the people as having no laws, but being governed by ancient, unwritten custom. They were also said to be "ruled by women," or to honour women more than men; and one writer adds that, besides calling themselves after their mothers, they bequeath their property to their daughters, not their sons.[2] The Lycian inscriptions which have been read are too scanty to enable us to judge in what sense and to what extent this is the case, but they prove beyond a doubt that the position of daughters and of women in general was in some way exceptional.

It is much to be desired that the whole mass of epigraphic material, old and new, should be reviewed systematically, so as to bring together such clues as the juxtaposition of names, localities, and customs may throw upon the unwritten history of the early legendary races. A few specimens, taken almost at random, will suffice to show the kind of material available, which, in competent hands, would certainly not add less than Professor Ramsay's geographical inquiries, to our knowledge of the history of Asia Minor.

Out of twelve dedicatory inscriptions found in a single *temenos* at Cnidus, all but one were made by women. The first is by Adinna, daughter of Sopolios, wife of Poluchares and their children, to Demeter and Kore—the constant objects of worship. Ada was sister of King Pixodarus and daughter of Mausolus, so the occurrence of the characteristic diminutive is a proof that "names of the Hekatomnos dynasty continued to be in use in Karia even in late times."[3] Another woman dedicates a statue of

[1] xiv. iii. 3. [2] Müller, *Frag. Hist. Graec.*, ii, p. 217; v. p. 461.
[3] *Ancient Greek Inscriptions in the British Museum*, Pt. iv. Sect. 1, 1893. *Knidos*,

a sorrowful priestess to Demeter and Kore και θεοῖς τοῖς παρα Δαματρι. Three dedications in the same group are by Plathainis, wife of Plato, and one refers to a worship instituted by a woman with some special reference to her daughter. Damatria, wife of Eirenaios, dedicates her daughter's son, Dion, to Artemis; and a statue of Glykinora is dedicated to the Muses by her father, her mother and two brothers (who bear the names of their grandfathers); while at Halicarnassus five sons dedicate a figure of their mother to Demeter and Kore.

The people and the council of Cnidus seem to have taken as much interest as the Egyptian village councils in the domestic affairs of their citizens. When a Cnidian lady dies in a neighbouring town, the latter sends an embassy to condole with the husband, while widowers are also consoled by permission to erect the statue which the boule and demos decree. There seems to have been some connection between the award of public honours and a spontaneous outbreak of public sentiment, which, if measured by the volume of sound, according to some local standard, might help to explain the origin of the Spartan method of voting for the Ephors.[1] The demonstration might be made in honour of the deceased on the occasion of the funeral, or in honour of the living, as when the name of Lykaithion, daughter of Aristokleidas, of Cnidus, to whom crowns and a statue were decreed, was received with acclamations. The editor understands two lines in the next inscription to mean that the boule decided that the demiurgos (the highest official at Cnidus) should have the name of this lady's husband proclaimed along with her own.[2] In Cnidus the eulogistic epithets bestowed on the ladies appear to be a matter of form, though high birth seems to be alluded to in one case.

In one case a distant relative erects a statue to a lady on account of her distinguished benefactions to the city; and besides those set up by relatives, monuments to women were frequently set up by the State. The council, the Senate and the people of Tlos,[3] commemorate the wife of a Roman judge,—not necessarily as an indirect way of complimenting her husband, as seems clear from an inscription at Stratonicæa, in Caria; in which it is said that the people has buried Philimion, a woman of Forasa, who had lived righteously, and been among all worthy of the highest praise; as if it were customary among the Lycians and surrounding nations for the virtues of women to receive, as they still do in China, the same kind of posthumous honours as are granted to men. As in the funeral inscriptions of Egypt, the praises accorded to the deceased attribute to him, or her, the display of private virtues in public life, and this may be taken also as the Chinese ideal, though in China the State is conceived to be

*Halikarnassos and Branchidæ*, by Gustav Hirschfeld, DCCCIII. p. 19. See also DCCCVI, VIII.–IX., DCCCXIII., DCCCXXI., DCCCXXIII., DCCXCI., DCCCCIII.

[1] *Ib.*, DCCXCII. and DCCLXXXVIII.

[2] *L.c.*, DCCLXXXVIII., IX. and DCCLXC.

[3] *Sir Charles Fellows' Journal*, vol. ii. pp. 38, 40; see also, *Account of Discoveries in Lycia*, pp. 162, 98, 257, 265, 167, 84, 41, 107, 241, 207; and *Appendix A.*, pp. 330, 324, 389, 316, 353, 377, 404, 342, and 399.

interested in honouring any exceptional manifestation of even purely domestic virtue.

The intermingling of public and private relations is curiously illustrated by a decree authorizing one Callias, "a good and honourable man who has unceasingly done great service to his native city," to console himself for the loss of his son, by putting up statues in the temples and public places to his memory. Sometimes in Lycia the inscription only states that "the council, the elders, the people, and the young men,"[1] honour such a person. Aristocles Molossus is described as "a lover of glory and his native town," and in general the praise accorded seems to rest upon the memory of acceptable services. "The council and people honoured, even after he had departed, Metrodorus Demetrius . . . living decently, a man of honourable ambition in public affairs and showing zeal in offices, the superintending of works and other services to the commonwealth." The city of Tlos again resolved to honour in the Prytaneum "a good man, like his ancestors a benefactor of the people; who contested manfully and excelled in the wars, who observed the laws, discharged office gloriously and liberally, and conducted himself in the commonwealth honourably, fortunately, and righteously." Inscriptions of the same type might be multiplied indefinitely.

It is true that Cicero ridicules the honorific decrees of Greek cities which were so lavishly bestowed, that they ceased to confer any distinction; and Professor Mahaffy[2] supposes that they were the reward given by the mob in return for gifts from the rich who feared unpopularity. But this explanation, though doubtless applicable to a good many Greek statues, does not account for the use of similar terms of eulogy in private tombs erected by relatives of the deceased. In the south-west of Asia Minor, where these inscriptions are most numerous, and most frequently made in commemoration of women, if they are prompted by gratitude for benefactions received, the benefactions are frankly described, and praised openly and without disguise. This is scarcely the early Greek view, and the habit of praising private persons for their public generosity is peculiarly characteristic of those inhabitants of Asia Minor who followed the Lycian use, and held the same views as the ancient Egyptians as to the responsibilities of wealth. Just as the Egyptian priests earned praise and popularity by spending a liberal portion of the temple revenues at their disposal, on shows and festivals for the entertainment of the people, Carian priests and priestesses were commemorated for the liberality with which they spent the revenue of the sacred lands and the donations to the temple made by the people themselves.

At the temple of Hekate, at Lagina, and that of Zeus Panamarus, at Stratonicæa, in Caria, there were priestly families, out of which the high priest for the year was chosen, preference being perhaps given to the one

[1] Cf. Cretan inscriptions, where the troops of unmarried youths and the adult citizens are frequently mentioned as distinct elements in the body politic.

[2] *The Greek World under Roman Sway*, pp. 263, 310.

who made the largest promises of liberality.[1] It is certain that such dignitaries were commonly praised for having fulfilled their promises, as well as for definite gifts. At Stratonicæa the temple feasts lasted nineteen days, during which time corn, oil, perfumes, meat, and money were distributed by the priests, who supplemented the sacred revenues out of their own resources. Friends and relatives might "associate themselves in the glorious work." A certain person and his wife, on such an occasion, distributed oil for use at the public baths, we are told, "for the first time," the invention of new liberalities being regarded as a high distinction. Another inscription tells how Jason and his wife, "with his dear aunt, his mother and his brother, iuspired by Zeus, gave repasts well apportioned . . ." his gifts came to 10,000 denarii, and at his expense, meals were served separately both to men and women; the crowning liberality apparently was to let people carry away what they liked from the feasts.

The commonest formula of praise for liberal priests is that they fulfilled the obligations of piety towards the gods and liberality towards men. One inscription mentions the succour given to those in want, in addition to ordinary largesses and buildings and furniture presented to the temples. And a Carian inscription records, in the same strain, how certain persons, "who have made themselves useful to society in general and its members in particular, without neglecting any opportunity," were, as a reward, to be inscribed in the temple of Artemis, and to receive each "a double portion as long as they live."

At Syllion, in Pamphylia, three statues were found—two of a lady, Menodora, and one of her son, Megacles, which record the distributions of money and corn when Menodora was high priestess, priestess, demiurge, and decaprote, and when her son was demiurge, and her daughter gymnasiarch. Menodora must have been a wealthy woman, for she gave 300,000 denarii "for the children of Syllion," and sacred objects of the same value to each of three temples, besides the other benefactions and distributions of money to all classes of the community, according to their degree, citizens, ecclesiasts, elders, and so forth.[2] This is the first instance met with of a women holding the office of decaprote and demiurge; five other magistracies were already known from the inscriptions to have been occupied by women; and Lyciarchissa, as well as Lyciarch, appears among titles of the officers of the Lycian league. Every municipal office seems to have been open to women in these Amazonian regions. Indeed, local custom on this point was so strong that women, as well as men, appear as archisynagogoi.[3]

The common meals of the Carthaginians, Cretans, and Tyrrhenians are more ancient than the public games of Greece and Rome, and it seems probable that the form of public and private liberalities in Lycia, Caria,

[1] *Bulletin de Cor. Hellen*, 1887, p. 56; cf. also pp. 5, 156, 372; 1889, pp. 486, and 1890, p. 374.
[2] *Bulletin*, 1889, pp. 486–496.
[3] *The Church in the Roman Empire*, p. 480.

and allied districts in Asia Minor,[1] was a survival from, or a modification of, the early communistic institution, rather than a form of ransom paid to the democracy by the rich. The public meals in Sparta were supplemented by voluntary gifts, and the notion of honorary maintenance, towards which the double portion is a step, would hardly have been arrived at apart from such meals.

In the same way, the practice of commemorating the dead in private tombs preceded the bestowal of such favours as that accorded to Callias in the public memorials of his son. For such a boon as this to be of the highest value, presupposes a feeling like that of the Egyptians, as to the importance to the dead of the remembrance in which they are held by the living; and in fact, throughout Lycia, Caria, and all kindred settlements, property in tombs is as highly valued and as stringently protected as in the Nile Valley. Men and women erect tombs in which they themselves and their nearest relations are to be interred; the degree of relationship at which the privilege ceases is strictly defined. In one case four generations were to be buried in one tomb, but this is rare; more commonly the builder of the tomb designs it for his wife and children, or at most his grandchildren.[2] One Aurelia Papiana bought a tomb in which her husband and his foster mother were to be buried, his and her daughter and herself, but no one else, unless she gave permission to any one to use the substructure, which was regarded as less sacred and inviolable than the tomb itself. A citizen of Tlos and his wife reserved their tomb to themselves, and his heir Soteris, and her descendants, and those to whom she might give permission to use it, as she did to her husband and his foster sister. In this case the penalty decreed for encroachment on the property was a fine of a thousand denarii to be divided between the people of Tlos and the informer.

Another citizen desired to be buried with his first wife in a sarcophagus, his second wife and her son being interred in another compartment, and two other children in the substructure, after which the whole tomb was to be closed. If these injunctions were disregarded by his heirs, then Aphrodite should be his heir, and should moreover exact a penalty of 5,000 denarii, of which one-third was to go to the informer. A similar fine, to the people of Cadyanda, was designed to protect the purpose of a man who had built a tomb for himself, his daughter and her descendants; and a woman of Telmessus made similar dispositions with the same security.

In Phrygia and Lycaonia the common imprecatory formula is often, even in Greek inscriptions, expressed in the native language, so as to be the

[1] M. Revillout suggests that the conversion of the palace of Crœsus into a *gerusia* or home of rest for old men, mentioned by Vitruvius (*De Architectura*, ii. 10) may point to an institution with Babylonian and Chinese parallels.

[2] The restriction is no doubt intended to guard against the danger of a remote ancestor being turned out of the family tomb by some one anxious to provide piously but inexpensively for his immediate progenitor, a tendency which the practical Chinese provide for and legalize.

better understood of the people,[1]—a precaution we can well believe to have been necessary in a land where a Marcus Aurelius rejoices in the truly barbaric cognomen Ouababsis. Seven of the inscriptions published by Mr. Headlam from Sinabich, in Isauria, the site of the Byzantine bishopric of Dalisandos, contain certain or possible traces of the habit of counting descent from the mother. Dalisandos itself has a characteristic termination, and was doubtless the site of a native settlement of considerable antiquity. "The hill is a striking one, isolated on three sides, and crowned by a high cliff; up the south slope winds an ancient roadway, which conducts to a plateau on the top of the hill," [2] and on "the Sacra via, which runs along north and east of the plateau," a great number of sarcophagi were found, apparently belonging to the 2nd cent. A.D.

According to the inscriptions, Silas, son of Nenesis, otherwise called Kleoneikos, and Nenesis, wife of Iambios, otherwise called Tatas, set up one memorial: . . . son of Turannis makes another, for himself, his wife and his children. Another is erected by Turannis, daughter of Trokondis. Then we have the above named Marcus Aurelius Ouababsis, the son of Trokondis, and Tatis his wife, establishing for themselves a tomb, into which Indas, son of Montanus, who calls himself "of the family," seems to have thrust himself later. Tatas, son of Trokondis, defends the tomb of his daughter Nesa by a penalty of 2,500 denarii to be paid on contravention to the fisc; and Hermokrates, the son of Trokondis, takes the moon to witness that what he has built is lawful only to his wife and children. Another tomb is built by "Irdis, son of Killis." It is not absolutely certain that Killis and Trokondis are feminine names, like Turannis and Nenesis, and the argument from the termination has little weight, as the final *as* and *is* are characteristic of the language; Tarasis, for instance, is a common man's name.[3] Other inscriptions will, no doubt, settle the point, and meanwhile the survival of the Lycian use is proved, whatever may be the exact number of examples of it yet met with.

Another inscription found at Mut was set up by the daughter of Ophia "for her husband, and father, and mother, and the race of Ophia." And there is a clear indication of the still more archaic custom of counting daughters' descendants as the representatives of the family, in the record of a religious foundation by one Posidonius.[4] In accordance with an oracle of Apollo of Telmessus (in all probability the Carian town), Posidonius enjoins his descendants, and those who marry wives from among them (including future generations), that certain lands of his shall be mortgaged, "the eldest male member of the family having for the time the usufruct of the revenues arising from them, with a reservation of four gold staters *per annum* for the prescribed sacrifices."

The editor notes that the benefits of the foundation are extended to

[1] *Ecclesiastical Sites in Isauria*, by Arthur C. Headlam. Society for the Promotion of Hellenic Studies, Supplementary papers, i. 1892, p. 31.
[2] *Ib.*, p. 26.
[3] *L.c.*, pp. 27–33. Cf. *C.I.G.*, 4300 and 4306.
[4] *Ancient Greek Inscriptions*, *l.c.*, DCCCXCVI.

descendants in the female line, but adds: "this has nothing to do with the general position of women in Karia, since it is also to be found in the testament of Epikteta." The latter,[1] however, was found at Thera, the site of an archaic Necropolis, and it is perhaps a question whether the argument might not be inverted, and the family of Epikteta credited with the maintenance of some approach to Carian custom In a list of persons chosen for the *gerusia* of Sidyma, also in the 2nd cent. A.D., there are two who are described as sons of such a mother, and many who have no patronymic. And if, as seems probable, Bachofen is right in identifying the "Kunis"[2] of a thirteenth-century crusader with Konia, the ancient Iconium, the practice of transmitting property through women continued at least down to the Middle Ages. If there were any doubt as to the pre-Hellenic character and origin of these traits, it would be removed by the persistence with which some of them have endured to the present day.

Sir Charles Fellows noticed that a modern Carian, in accepting an engagement, would explain his willingness to leave home by saying: "I have no mother; I can go anywhere with you, no one depends upon me." And alongside with the special regard for the mother which the phrase indicates, the same traveller noted traces of the customary succession to the family property by the married son, even during the father's life, which is among the most characteristic features in the family law of Egypt.

Primogeniture, of which so few traces are found in Greek States, was recognised in Cnidus (and "some other places"), where only the father, or the eldest son after the father's death, was entitled to participate in the government.[3]

A curious light is thrown upon the workings of the religious endowments of the country by a decree of the people and senate of Halicarnassus, that the priesthood of Artemis Pergæa should be put up for sale.[4] It is scarcely singular that, when the hereditary wealth of the temple was made away with, and the line of succession broken, the habit of looking to wealthy priests, to spend money on the public, should have prompted the sale of the vacant office. But the inscription also shows that here, as in Egypt, the priestly revenues were still derived in great part from the people. It is specified that the priestess (who was appointed for life) should have the same share of private as of public sacrifices; and other interesting particulars relate to collections made by the priestess, and to a sort of tax levied by the State on the inveterate liberality of the faithful, collecting boxes, the contents of which belonged to the State, being placed outside the temples.

One of the earliest of the inscriptions from Halicarnassus,[5] if the Lygdamis named in it is rightly identified with the enemy of Herodotus,

[1] *C.I.G.*, 2448, and Benndorf, *Das Heroön von Gjölbaschi-Trysa*, p. 44.
[2] "Ze Kunis erbent ouch de Wib und nicht die Man." (*Das Mutterrecht*, p. 390.)
[3] Aristotle, *Politics*, v. 6, § 4. Cf. *post*, p. 473.
[4] *Knidos, Halikarnassos, and Branchidæ*, DCCCXCV. [5] *Ib.*, DCCCLXXXVI., p. 51.

refers in a tantalising manner to some change in the laws relating to land and houses, but without enabling us to conjecture what the law was, either before or afterwards. Some of the expressions, however, are so curiously similar to those referring to a special period of innovation in the laws of Crete, that one is tempted to wonder whether this decree also marks a victory of Greek ideas over archaic customs. At a conference of the Halikarnassians and Salmakitans with Lygdamis, ". . . it was resolved (in regard to) the Mnemones: neither land nor houses shall be surrendered (for sale) to the Mnemones of the time when Apollonides son of Lygdamis (and another) held office at Halikarnassos and (two others) at Salmakis. But if any one wishes to go to law about land or houses he must prefer his claim within eighteen months from the date of this resolution; and in accordance with the law as hitherto, dikasts shall be sworn on the facts as known to the Mnemones. But if any one prefers a claim after that term of eighteen months, the person in possession of the land or houses must take an oath, to be administered by the dikasts after having received half a nekte; the oath shall be taken in the presence of the claimant, and those shall be legal possessors of land and houses, who held the land and houses at the time when Apollonides and Panamyas were Mnemones, unless they have sold the property since." Then follow penalties against any one attempting to annul the law, and the decree concludes: "The preferring of claims shall be open to every one of the Halikarnassians who does not transgress that which has been sworn to, and has been written down accordingly in the temple of Apollo."

M. Dareste[1] supposes this inscription to commemorate a sort of truce between the party of Lygdamis and their opponents, including an amnesty for all who sign it, and the right of those profiting by the amnesty to recover property confiscated during the civil war. He reads the first clause as a prohibition to the Mnemones, or Recorders, to put any more of the confiscated property up for sale. This view receives some support from the law of Ephesus[2] (84 B.C.), which provides a special Board of Arbitration to decide disputes between debtor and creditor, avowedly in reference to the recent war; but in neither case is there any direct mention of confiscated property, and the phraseology of the Halicarnassian decree is susceptible of an interpretation which will make its resemblance with that of Ephesus still closer.

If we ask what questions can arise touching the ownership of lands and houses, for the solution of which a general period of a year and a half had to be granted, or how the distinction should arise between a class of persons claiming ownership and a class of persons enjoying possession, one possible answer suggests itself. The period of grace would not be required in the case of disputes between ordinary landlords and tenants, and the only other case in which the antithesis between the owner and the occupier presents itself is that of the antichretic or Babylonian mortgage.

[1] *Recueil des Inscriptions juridiques Grecques. Texte, traduction, commentaire, par R. Dareste, B. Haussoulier et Th. Reinach*, 1891, pt. i. p. 3. [2] *Ib.*, p. 30.

It seems, to say the least of it, possible that the decree was directed against these agreements, which debar the capitalist from acquiring the freehold, of the land mortgaged to him, by any length of prescription; and that owners, who had ceded the possession of lands or houses, were warned to reclaim them (*i e* to pay off the mortgage) within eighteen months, or let the mortgagee establish his title (as owner of an unredeemed pledge) on oath. The proviso, "unless they have sold the property since," is quite intelligible on this view. And the connection between the civil disorders and the need for legislation would be only that the disorders had caused an abnormal multiplication of mortgages and some uncertainty as to title deeds.

At Ephesus the reason for referring disputes respecting mortgages to arbitration was that the value of the lands ceded might have been affected by the war. It seems to have been assumed that the amount of the original debt could be established by evidence, but that there might be a difference of opinion as to the value of the land pledged as security, and the compromise proposed was for the land to be divided, either voluntarily or by arbitration, between the debtor and creditor, so as to cancel all liabilities. If there is any dispute as to the ultimate ownership, "the question shall be decided according to law"[1]

The important inscription of Tenos,[2] which records forty seven sales of lands or houses, shows that a "mortgage effected by a peculiar form of sale" was in use among the Greeks, at least in certain places. "The real property was mortgaged, and the form by which it was conveyed to the mortgagee was by an actual purchase, with power of redemption on repayment of the loan" Inscriptions found at the Carian town of Mylasa[3] relate to *leases* in the form of a mortgage, and it is perhaps hardly by accident that we find also at Orchomenus an inscription respecting a loan to the city,[4] which was only partly liquidated and the creditor allowed as interest for the remainder, to enjoy a limited right of pasture in the Orchomenian land. In all these cases, usages that seem exceptional and perplexing among Greeks would be familiar and intelligible if derived by them from an earlier stock.

[1] Guardians and parents were not to be allowed to claim "the benefit of the war," and among the latter "those who owe dowries to their daughters" are specially mentioned—a noteworthy phrase, pointing to an archaic conception of the rights of children. (*Ib.*, p. 37) Creditors, who before a certain specified date have taken possession of the land pledged, and drawn the fruits of it, are to be maintained in possession, unless they consent to any other agreement,—meaning, perhaps, that if they have not acquired the final rights of ownership, they may retain possession if they satisfy the mortgagor respecting the price of that right. If the creditor has taken possession after the said date (when a decree in favour of the debtors was passed), the latter must be reinstated or the land divided as above proposed. Contracts made since the termination of the war were not interfered with, as it was taken for granted that in them the depreciation of real property would be known and allowed for.

[2] *A.G.I.*, pt. ii. Edited by C. T Newton, CCCI XXVII l 73 and l 116–121, pp. 149, 150; and *Recueil*, i. p 90. Cf also Caillemer, *Contrat de prêt à Athènes*, Trans. of the Caen Academy, 1870, and Boeckh, *Political Economy of Athens*, p. 671. The ancient name of Tenos was Hydrussa Cf. also Strabo, x. v 11

[3] *Recueil*, pt ii pp v. and 272. These will be referred to again in chap. x.

[4] Leake, ii. p. 152 *Recueil*, ii. 277

The simple letting of sacred pastures was a sufficiently common occurrence, and an archaic inscription of Tegea[1] suggests how the practice arose The right of priests to pasture cattle on the sacred lands had to be regulated, if only in the interests of the temple and each other, and thus the money value of the right came to be appraised, and counted as a possible source of revenue At Tegea, passing strangers were allowed to graze their animals for one day and night if they came for the sacrifice And if we may judge from a very amusing Athenian decree of the 4th century sentiment was divided on the subject as to whether it was quite respectful to the gods, to raise money, even for sacred uses, from their property[2]

Apart from the inscriptions, what little is recorded concerning the manners and customs of Lycians, Carians, and Cretans is in favour of the affinities claimed for them It was a Carian as well as a Basque custom for women to eat apart from men, Carian queens, like Egyptian ones, were married to their brothers, and the same license was used also by the kings of Sidon. Strange to say, this custom still survives among a remarkable people described by one of the latest travellers in Caria and Lycia The Tachtadschy are a short, high headed people, scattered in small communities in Caria and Lycia, living mostly in the mountains, where they work as wood sawyers, only descending to the towns to dispose of their beams and planks[3] They are nominally Mahomedans, but they drink wine, do not observe Ramadan, and are called Satan worshippers by their orthodox neighbours They believe in metempsychosis, and have religious chiefs of their own, this office is so far hereditary that it must pass always in the same line, so that they are obliged to marry within it, but the inheritance may pass with the "Baba's" soul to others than a son They go round among the scattered families of the stock and hold religious meetings, with excited songs and dances.

They are accused of indulging in monstrous orgies, but this opinion may be based partly upon these meetings, and partly on the fact that the women go unveiled and take part in the family meals The other accusation brought against them, of marrying their sisters, is better founded, and Dr. v. Luschan met himself with two unmistakable cases of the practice. He believes the people to be a stranded relic of the pre Hellenic population. In general his observations show two distinct types of skull prevailing in Asia Minor, the two extremes recognised by craniologists being common, while

[1] *Bulletin*, 1889, p 281 ff

[2] *Ib*, p 433 ff Some one had let or proposed to let sacred temple lands, and it was agreed that if they were let, the rent should be spent on sacred buildings. But before this was done, it was agreed that two questions (viz, whether it was for the profit and benefit of the Athenian people to let these lands, or to leave them, as formerly, uncultivated in honour of the Eleusinian goddess) should be written on two plates of metal of the same size and shape These were to be carefully wrapped up and placed in an urn of bronze Then the treasurers of the goddess are to bring two urns, one gold and one silver; the bronze urn is to be shaken, and then the *Epistates* is to open it and take out the two—now indistinguishable—packets, and place one in the gold and one in the silver urn They then send to Delphi to ask the god whether they are to do in accordance with the writing contained in the gold or that in the silver urn! Cf also *A G I*, CCCXLIX

[3] It will be remembered that the "hewers of wood" to the people of Israel were a distinct race, taken from the pre-Semitic occupants of the land.

the meso-cephalic mean comes to only about 2 per cent. of the whole. One of these types is the short, high head of the Tachtadschys, resembling that of the Armenians, who, according to v. Luschau, are the most homogeneous of any people;[1] and the other long, comparatively low, due to Semitic, Greek, and other later influences. The custom of elongating the head by artificial pressure is still practised, and suggests that the people practising it must be descended from the Macrones or Macrocephali of the Greeks.[2]

Individual Jews and Syrians are found who belong craniologically to the non-Semitic type, and the persistence of the two types, and the comparative absence of intermediate forms, supplies a strong argument in favour of the permanence of the trait, and so at once of its antiquity and its hereditary character. The modern Tachtadschys have little to bequeath, and hence their adherence to their primitive marriage customs must be the result of blindly conservative instinct; but the survival of the demand that both parents of the religious chief should belong to the same family is probably a survival from the time when the abuse had the same motive as in Egypt.

We know nothing, of course, of the domestic customs of the Leuco-Syrians or Cappadocians of the prehistoric monuments. Prof. Ramsay is disposed to recognise female figures in the bas-reliefs of Iasili-kaia, where M. Perrot took the costume to indicate priests; and, if the former view is correct, it will be an indication of some approach to Amazonian usage.[3] It may be a mere accident that Strabo, a native of Pontus, should refer exclusively and repeatedly to his maternal ancestry, going back to the fourth generation. And if Strabo's account of the kingdom of Pythodoris, in this very region, had stood alone, the rule of a queen might also have been treated as a matter of chance, not warranting any sociological inferences.

Recent discoveries have, however, brought to light the existence of something like a whole feminine dynasty, both the mother and daughter of Pythodoris, as well as herself, having apparently royal rank apart from their husbands.[4] Pythodorus, the father of Pythodoris, was not of royal birth. Strabo describes him as a native of Nysa, possessed of great wealth, settled in Tralles, and a friend of Pompey. His wife's name is Antonia, and Pythodoris is named before Polemon, her husband, in the text to which this information is owing. Mommsen is at some pains to find a daughter of Antonius the triumvir who might have married Pythodorus, and so caused his dynasty to be accepted by the Romans; but apart from the impropriety, from the Roman point of view, of such an alliance, which he admits, there are only three or four years, before 30 B.C., during which a daughter of Antony's wife, Antonia, could, according to his reckoning, have been married to Pythodorus. Yet, long afterwards, we find Pythodoris called *philometor*, and Antonia *euergetis*; while Pythodoris reigns, in her own right,

[1] See, however, Miss Garnett, *The Women of Turkey*, p. 208.

[2] Rawlinson's *Herodotus*, iv. p. 224.

[3] Or to the prevalence of the same sort of worship as that described by Strabo at the Pontic Comana, making the place "almost a little Corinth."

[4] Mommsen, *Ephemeris Epigraphica*, i. 270. Ramsay, *The Church in the Roman Empire*, p. 372 ff.

after the death of her husband Polemon, and can scarcely have done so ir virtue of her father's title, which was certainly no better than her husband's

The petty monarchies which it suited the Romans to recognise between their own provinces and the Parthians depended for their existence upon the active good-will of their native subjects, as well as upon Roman tolerance. Supposing for the moment—and the Roman birth of Antonia, mother of Pythodoris, is itself only a supposition—that some approach to the Egyptian theory of royal descent prevailed in Cappadocia, it would evidently suit both parties to arrange a marriage between the heiress of a native royal family and a trusted partisan or nominee of the Romans. Such a consort, by native usage, would bear the name of king; but the hereditary right to the throne would vest in his wife's daughter, or it might be in his wife's daughter's son. On this hypothesis Antony would be at most the godfather of the wife of Pythodorus, and her name, Antonia, any way, only adopted out of compliment to Rome, or in gratitude for Roman recognition.

Whatever may be the true version of the ancestry of Queen Pythodoris, it is clearly established by the evidence of coins that her daughter Tryphæna, who married Cotys, king of Thrace, and was the mother of three kings, of Thrace, Pontus, and Armenia Minor, first reigned in Pontus in her own right, having her son, Polemon, who succeeded her in Pontus, associated with her during her own reign. This Queen Tryphæna was a personage of some importance, held in honour in Cyzicus, and occupying a sufficient space in popular imagination for her to be associated in early Christian legend with Saint Thekla, herself a heroine of decidedly indigenous type, whose "story was quoted as early as the second century as a justification of the right of women to teach and baptise;" while as late as the ninth century she is mentioned as privileged above other women in these respects. In her legend, as analysed by Professor Ramsay, the persistence of national habits of thought through all changes of government and religion is as conspicuous as in Coptic hagiology. Egyptian legend is fond of the idea of holy women who live and die disguised as monks or hermits; and St. Thekla here is represented as wishing to cut off her hair and follow St. Paul (to whom her conversion is attributed). She does wander forth alone, and claims immunity from the insults to which she is thus exposed as a noble maiden engaged in the service of "the God," *i.e.* one of the *theophorctoi*, associated, certainly, with the least Christian side of the ancient national religion. The lady Tryphæna of the legend, in whom it is proposed to see a reminiscence of the historical queen of Pontus, takes charge of the saint during her trial, and becomes so attached to her as to adopt her as a daughter, and refuse to give her up for judgment.

The coins of Pontus and the Acta Sanctorum have not, at first sight, much to do with each other; but the light both together throw on a passage of Strabo, which is not of much importance by itself, warrants the belief that we have by no means yet heard the last word on many points as to which historical science has only just learnt to state its problems correctly.

## § 3. Rhodes.

The obstacles which the Taurus mountains placed in the way of the continuous spread of Hittite or Syro-Cappadocian culture along the southern coast of Asia Minor led, as already observed, to the early settlement of the islands opposite. By their geographical position, Cyprus and Rhodes were the first seats of Eastern influence in the Western sea. The debts of the former to Hittite scribes and Phœnician traders have already been acknowledged, and the abundant remains of archaic art in the island have received so much attention of late that it is sufficient to refer to the works dealing with them. But in the case of Rhodes—a smaller island, in which the antiquities of different ages have chased and superseded each other—more is to be gleaned respecting the life and temper of the people from later written records than from the silent witness of irrefragable archæological facts.

According to the legendary account of Rhodes, the autochthonous inhabitants were driven out by Phœnicians, and the latter dispossessed by Carians before the Dorian immigration. One version makes the primitive inhabitants (the Telchines) masters of magical, mechanical, and metallurgical arts; and it is worth noticing that the Curetes, the Idæan Dactyli, and other mysterious people whose names survive in connection with religious mysteries—mostly of Thracian and Phrygian origin—were supposed to have the same numerical divisions as the historic population. Thus Diodorus writes of the Idæan Dactyls, quoting the account of the first inhabitants of the island given by Cretan historians: "Some say these were 100 in number, others but ten in number, called dactyli from the ten fingers on men's hands." Yet another version speaks of 52 (half the Carthaginian 104), and another of three. Homer speaks in the same passage of the great wealth showered on the Rhodians, and of "their tribes in three companies," to whom the three cities, "Lindus, Ialysus, and the white Camerinus," owed their origin. The later history of the island does not indicate any influx of Greeks larger than could be peaceably absorbed; and Strabo's account of the Rhodians makes it probable that the long-continued prosperity of the island was due to her having retained the manners and customs of her first settlers. The Rhodians, according to him, though their form of government was not democratic, were attentive to the welfare of the commonalty. "The people receive allowances of corn, and the rich support the needy according to an ancestral usage."[1] There were also public institutions, the object of which was to purchase and distribute provisions, so that the poor might be able to subsist; and large sums used to be presented to the State by private citizens for public purposes, as well as for the maintenance of the poor.

A Rhodian inscription has been found concerning gifts of oil, from which it seems that different persons were in the habit of giving or

[1] Strabo, xiv. ii. 5.

selling this commodity on specially favourable terms,[1] so that an agreement had to be come to among them to prevent the dates of their gifts interfering with one another, and it was decided that they should draw lots as to which day each should give his portion. This is a distinct confirmation of Strabo's statement, and like the donations and feasts given in Lycia, seems as if it might be related to the gifts for public meals usual in Crete and Sparta.

A subscription list,[2] attributed to the 3rd cent. B.C., records the contributions made by all the people of Lindus, to provide what was necessary for the worship of Athena, the city goddess. The list is interesting because of its completeness; the names of women and minors appear in it, and it seems that in such cases they must do so on account of separate and independent property. The lists are arranged by localities, as if the properties were gone through *seriatim*, and all landowners or householders were expected to contribute. Married women, however, frequently appear as well as their husbands, and as members of a different deme; and this looks like a survival from the pre-Hellenic proprietary independence of women, though associated with the Greek usage of their acting through a *kurios*. In one of the many inscriptions which show that the erection of honorific statues began with private affection rather than public ambition, we find two maternal grandmothers contributing to the memorial erected to a young married woman; and another inscription mentions a son, named after a maternal grandfather; but a minute analysis of otherwise uninteresting records—mostly inedited because of their want of interest—would be necessary before we could judge how far the early Rhodian theory of relationship approximated to that of Egypt and Lycia.

In its civil administration and material splendour Rhodes resembled Carthage, Marseilles, and Cyzicus in the Propontis. The point common and peculiar to these cities, according to Strabo, was the attention paid to public buildings and storehouses for the reception of corn and munitions of war; official architects were employed to direct the manufacture of engines, and to take charge of edifices belonging to the State, and it is implied that the outer aspect of the cities named was as similar as their methods of administration. In other respects Rhodes had a strongly marked individuality, and exercised an influence in the Old World strangely out of proportion to the size and resources of the State.

Alexander the Great recognised the uprightness of the Rhodians by leaving his will in their keeping. Their coinage was generally adopted in the 4th cent. B.C., and they were expected to keep down piracy and act as commercial go-between to surrounding powers. Their rôle was that of a neutral state offering arbitration in the interests of peace; yet when the Byzantines claimed to levy tolls on the commerce passing through the Straits, on the plea of expense incurred in controlling the pirates of Thrace, it was the business of Rhodes to go to war for the general benefit. The

[1] *Bulletin de Cor. Hel.*, 1883, p. 97.
[2] *Ib.*, p. 80. For another, to equip a naval expedition, see *A.G.I*, CCCXLIII.

islanders were victorious, but gave up all their conquests and granted peace to Byzantium, without demanding a fine or tribute, on condition that the objectionable duties were abolished Such disinterestedness helps to explain the political prominence accorded to the State in the third century.

The influence of Rhodes seems to have been secured, like that of China, over the territories she annexes, by moral ascendency and the feeling of benefits conferred The total value of the gifts sent to the island after the great earthquake has been estimated at a million sterling, and though some of these may have been prompted by a desire to guard against the danger of a commercial crisis, which would have affected other countries, if many houses in such a great banking centre had been ruined, yet it is not every commercial capital which would have such a fund raised for its benefit in time of need Business must have been done honourably and liberally in a city, when the first thought of those frequenting it is, not how to supplant, but how to restore it when endangered

Young men were sent to Rhodes to learn business, as they might be sent now to London or Hamburg, and it is characteristic also of the respect for contracts which prevailed there, that when the Romans proposed a general remission of debts after the civil war, the Rhodians alone refused to take advantage of it Filial piety combined with commercial honour to produce another trait, and at Rhodes a son was considered liable for the full payment of his father's debts,[1] when by Roman law he was allowed to escape the liability by renouncing the inheritance

On the other hand, Rome adopted the maritime law of Rhodes A decision of Antoninus Pius was quoted "I rule the land, but the law rules the sea. Let the matter be judged by the naval law of the Rhodians in so far as any of our own laws do not conflict with that" Rhodian usage was thus probably an important element in that rational and equitable "law of nations," the credit of which M Revillout has sought to reclaim for its forgotten authors The genuineness of the collection of maritime laws ascribed to the Rhodians was questioned by Pardessus,[2] though he admitted it might preserve the tradition of old naval custom It contains, however, some passages which internal evidence alone would suffice to connect with the body of early Mediterranean law common to the first maritime colonists of its islands and the shores of Greece and Italy

Any one hiring a vessel and paying earnest money, and then changing his mind, forfeits the earnest, while the skipper who fails to complete the contract gives back twice the earnest he had received This law governed the land market in Crete, and it is met with in a Syro-Roman compilation of the 5th cent A D, in which many characteristic customs of Western Asia are preserved Another article of the Rhodian code is so exactly like Chinese law that one is tempted to predict the discovery of a

[1] Cf the Chinese maxim Father's debts, son pays

[2] *Collection de Lois Maritimes*, vol i c vi pp 219–260. J M Pardessus, 1828.

Babylonian equivalent, which would have all the attraction of a missing link. If a sailor injures another in a quarrel, he must pay the doctor[1] and the wages of the victim while he remains *hors de combat*, and he has to pay damages for any permanent injury resulting from his violence.

The one maxim of Roman naval law expressly stated to be derived from that of Rhodes lays down that if cargo be jettisoned to lighten the ship, all owners of freight contribute to make good the loss incurred for the common benefit; and the crew and passengers were required also to pay a personal contribution to make good loss from this cause, as well as from unavoidable accidents, fire, pillage, etc. Each voyage, in fact, was regarded very much in the light of a co-operative partnership, and the wages of all classes of seamen were fixed by custom at a proportional number of shares in the adventure, common sailors, the pilot, steersman. carpenter, and captain being paid in this way in order of their importance,

As already mentioned, loans on bottomry were not allowed by Rhodian law to hold the usurer exempt from risk; and the same feeling of equity evidently underlies the Syrian customary law,[2] according to which money borrowed on half profits for commercial purposes need only be half repaid if lost. In externals, the people are described as serious, and with a strong sense of propriety and decorum. "The every-day duties of life were performed with perfect finish, and even the rustics seemed less clumsy than usual in the gymnasium there. They dined quietly like connoisseurs, but cared more for conversation than drinking; their dress was simple, and their movements in the streets grave and composed."[3]

The temper and habits of the people in modern Rhodes are described by a contemporary tourist in a manner which recalls to mind at once those of the Kabyles and the Basques. Guests are still entertained by the villagers collectively, the householders bringing contributions of food according to their means; while it is contrary to etiquette to ask the visitor any question as to whence he comes or whither he is going. Charity is ready and universal; housewives collect all their scraps for the poor, and it is usual for the market people to deposit a trifle from their stock by the "leper's walk" as they pass. Beggars are never refused, and in all these respects Kabyle usage is substantially produced.

On the other hand, the aged parents are put on one side for the young, the son's wife rides while the old mother walks behind—an outward and visible sign of the abdication of the old couple, when the married heir has succeeded to the post of working head of the family community. Sir Charles Fellows found just the same counterpart to Basque usage in force on the mainland. "When sons grow up and marry, the father gives over to them his flocks and property, and trusts to his children's affection for care in his declining years."[4]

[1] Cf. *post*, pp. 449, 489.
[2] *Syrisch-Romisches Rechtsbuch*, s. 82.
[3] Cecil Torr, *Rhodes in Ancient Times*, p. 72.
[4] *Account of Discoveries in Lycia*, p. 241.

## CHAPTER IV.

### *THE LAWS OF CHARONDAS.*

THE remains of Cyclopean architecture to be found in Greece, Sardinia, Sicily, and the Balearic Islands and Africa will perhaps in time furnish data from which the affinities of their builders may be determined; but the results of archæological inquiries in this direction are as yet hardly precise enough to be utilized. The pre-Hellenic remains of Tiryns and Mycenæ, however, contribute one interesting fact bearing on the constitution of the family. In the palaces recently excavated, the explorers were perplexed by the discovery of, as it were, two houses side by side, on the same plan, with little direct communication, the larger supposed to be for men and the other for women. This has been a puzzle to scholars, as there is no trace of such a separation in the Homeric family. But if these buildings are the work of Pelasgian or Cario-Lycian stocks, it would be less perplexing. The separate women's apartments might be a survival from the time when the wife was "lady of the house," and the husband only visited her. And in that case it would point to a period of transitional usage, when the high-born wife came to dwell with her husband on condition of his providing her with a sort of separate establishment, and from that point of view the completeness of the architectural isolation of the two sets of rooms would cease to be surprising. It is still said to be the rule in Greece for the house intended to be occupied by a young married couple, to belong to the bride, and it is her father's business to provide one.

The influence of Egyptian art in the decorations of Mycenæ must be taken in connection with the traces of similar influence in comparatively remote parts of Asia Minor, and we should argue from it rather to the wide diffusion of a kind of cosmopolitan commerce than to any specially close connection between Greece and Egypt, or even any specially close mediation on the part of Phœnicians between them. The Shardana, mentioned among the peoples of the sea, whose incursions were repelled from Egypt by Rameses III., have been identified with Sardinians, and the name is probably one of the many which mark the advance of kindred stocks from Asia Minor to the west. But it is one thing to conjecture an etymological relation between the names of Sardis or Sargalossus and Sardinians or Shardana, and another to suppose the same people to occupy the Lydian capital, to invade Egypt, and to build the nuraghs.

The resemblances in name, architecture, and social institutions which at one moment seem so close as to invite exaggeration, at the next almost

elude inquiry and tempt to an equally exaggerated scepticism; and for the present the safe and scientific course seems to be to note the parallelisms of all kinds as they occur, while holding the judgment in suspense as to the final inferences to be drawn from them.

The commonest type of nuragh is a tower in the form of a truncated cone, ending probably with a terrace. The stones are sometimes rude, sometimes worked and in regular courses, especially on the interior, but laid without mortar. The inner chambers are beehive-shaped, the larger ones being surrounded with wings or recesses like side chapels. Some have two stories, with spiral staircases. They have been used as quarries for centuries, yet La Marmora counted remains of more than 3,000 of them. It is supposed that the largest nuraghs consisted of a turreted wall enclosing a court in the centre of which was another still stronger, two-storied tower. The most plausible conjecture as to their purpose is that they served as fortresses where the dwellers in huts could take refuge with their cattle from attacks. In one case a whole camp could have been formed under cover of a score of towers surrounding a plateau; and the main difference between these defences and the typical Carian walls is that in Sardinia the tower seems to have been sometimes considered sufficient by itself.

The island of Pantellaria, between Sardinia and the African coast, has similar towers, and the so-called *talayots*[1] of the Balearic Isles, though as a rule less well preserved, have the same general character. The photographs given in M. E. Cartailhac's work not only give a better idea than any description of individual monuments, but also suggest that the ruined "cities" of surprising number and extent which he explored may have resembled those of the Canary Islands, where, it is said, the natives of Hierro lived in large circular enclosures, containing about twenty families, surrounded by walls of dry stones. When the walls can be traced (especially in Minorca, where the stone gives an inferior lime and so has not been used for burning to the same extent), they form irregular polygons, sometimes, but rarely, with towers at the angles, and every such town includes one or more talayots, though there are also more detached talayots than there can possibly have been towns. Besides the few larger buildings, of which portions remain standing, the ground of the enclosures is strewn with stones, such as might have been used for dwelling-huts. The very uselessness of the erections, which perplexes the archæologist, is a proof that it must be a survival from some former state of things in which the sacred or secular purpose was more direct.

The ancient wells, called *potarrás*, also probably owe their origin to the same generation of colonists as that which made the *katabothras* of the Cephissus. One was said, before it became choked with rubbish, to have water at a depth of 32 metres, reached by 137 steps, with massive pillars and rails, hewn in the solid rock.[2] Artificial grottos, clearly for funeral

[1] The local name atalaya or talaya is derived from an Arab word meaning watch or look-out. (E. Cartailhac, *Monuments primitifs des Iles Baléares*, 1892, p. 23.)

[2] *Ib.*, p. 39.

uses, are found, with the gradual descending and vertical shaft of Phœnician tombs, which seemed to follow Egyptian models.

Towers, called *truddhu*, similar to the nuraghs, are still built and used in Apulia, and, though they now only serve to shelter the cultivators when away from home during the summer months, they imitate older *specchie* or watch towers, the ruins of which abound. The ancient population here consisted of Iapygians and Messapians, civilized comparatively late from Tarentum. The nuraghs seem to have been built by colonists entering the island from the west, and driving the wild aborigines before them, to the mountains which run down the centre of the island; and it is suggested[1] that the towers were meant to afford protection against their raids, when the builders were compelled to retreat from the coast, before the aggressions of Phœnician traders or Carthaginian conquerors.

If the towers had been intended to serve against the Carthaginians, they would not, as is actually the case, have been planted most thickly in the centre of the island. The resemblances between them and the talayots of the Balearic Islands is consistent with a theory that the authors of both may have immigrated from Africa. From Crete to Cyrene is a shorter stage on the westward route than from Albania to the heel of the Italian boot; and the absence of inviting halting-places between Tripoli and Carthage would cause the north coast of Tunis and Algiers to be occupied by the earliest race of colonists before Sardinia, and perhaps Malta, was likely to be approached from settlements in Sicily or Italy. It is therefore possible that the nuragh-building population was Iberian[2] or Libyan rather than Pelasgic, in which case one would be tempted to regard the remains at Lixus as pre-Phœnician. And Diodorus' description of the sole possessions of the Libyan chiefs, "towers built near the water supply where they keep their provisions," would no doubt illustrate the use made of the island towers as well.

The same type of primitive fortification extends as far as the range claimed by Strabo for the laws of Charondas; and we may therefore regard it as possible that the laws of the Mazaceni really had points in common with those of the legendary lawgivers of Greece and Italy. The Locrians, whose approach to the Lycian rule of descent has been referred to already, are said to have been the first people to commit their laws to writing; and the same story is told of a period of strife and confusion preceding the legislation of Zaleucus—to whom the first code is attributed—as of the disorders in Sparta before Lycurgus.

According to Ephorus, these written laws were founded upon the Cretan, Lacedæmonian, and Areopagitic codes, and the relation between these laws and those of Charondas is indicated in the tradition which, regardless of chronology, makes the latter legislator a disciple of Zaleucus. According to Aristotle, Charondas was a native of Catana, and made laws for his

[1] *Hist. of Art*, iv. p. 105 ff.

[2] The modern Sards are said by some ethnologists to be the purest representatives of the Iberian type.

own and the other cities of Chalcidian origin in Sicily and Italy. There is nothing but the laws attributed to them to bear witness for the historical existence of either of these legislators; and it is probable that in this case, as in that of Lycurgus, the antiquity of the laws has been under-estimated, while the popular fancy was engaged in inventing a legendary personality for the lawgiver.

Zaleucus was supposed to have flourished in the 7th cent. B.C., and any way the reputation of Locrian law and justice was established before the time of Pindar. Plato more than once speaks of the Locrian cities as the best governed in Italy, and the Locrian code remained in force for what, according to Greek standards, appeared a long time. Locrian songs had a reputation for licentiousness, and the luxuriousness, to which the decay of the Græco-Italian cities was attributed, included great laxity in the sexual relations, or else the marriage law in force was one which left the conduct of women virtually unrestrained. Athenæus says of the Tyrrhenians that women were common, and children brought up without regard to their parentage;[1] and, though this would not be a fair account of the whole custom of the country, it represents the impression made, upon men of another type of civilization, by certain phases of custom in which Lycian and Lydian usage touch.

Fathers, however, were neither unknown nor unvenerated. Tombs possessed at Sybaris the same right of asylum as temples in Crete and Egypt; and it was alleged, as an instance of Sybarite impiety, that a father's tomb proved a safer asylum than a temple. It is significant, as far as it goes, that the names both of the mother and of the maternal grandmother are known, in the case of the Locrian poetess Nossis (a lady whose fragments were admired by Bentley), though there is no mention of her paternal ancestors.

Aristotle asserts the institution of common meals to have been even more ancient in Œnotria than in Crete or Lacedæmon, which probably means that his inquiries led him to believe it to have existed in Italy, before the date commonly assigned to Lycurgus. And it must any way have been included among the laws of Zaleucus and Charondas. The Locrians were not allowed to sell their ancestral plots, except on the plea, which it is still necessary to allege in China, of extreme poverty. The laws did not, so far as we know, prohibit slavery; but it is said that in early times no slaves were employed by either Locrians or Phocians, all needful work being done by poor freemen.[2] Precise penalties were assigned in the code for each offence, and a separate penalty for perjury or false witness; higher fines were imposed on the rich than on the poor for the neglect of civic duties; the law gave no assistance to creditors in recovering debts; those who sold had to choose between transactions for cash and upon honour.

Ephorus praised Zaleucus for simplifying the law of contracts, but it

[1] *Deipnosophists*, xii. c. 14.
[2] Grote, *Hist. Greece*, vol. ii. p. 392. Cf. the account of the Nabatæans, *post*, p. 512.

does not appear whether this was the simplification in question. Theophrastus [1] mentions the law against credit as a point upon which Plato and Charondas were agreed, and adds some particulars, which are clearly authentic and not unlike the law of Rhodes. The buyer was to give earnest to the seller, and a piece of money to three neighbours, who were to remember and bear witness to the bargain.[2] The earnest was forfeited unless the whole of the price was paid the same day, while if the vendor did not stand to his bargain, he was liable to a fine equal to the price agreed on.

All the children of the citizens were required to learn to write, and the master's salary was paid by the city, as is still the case in Kabyle communes. A fine was said to be imposed on those who kept bad company, and this may very possibly point to an arrangement like the Chinese system of mutual responsibility, by which associated groups shared the penalties incurred by any one of their members. The law by which orphans were committed to their mother's kin for the guardianship of their persons, and their father's kin for that of their property, seems to belong to a transitional period like that of the Gortyn code; and the same may be said of the provision by which the next of kin was entitled to marry an orphan girl, and obliged, if he did not marry her himself, to give her 500 drachms as a dowry. It is said that this law was altered into one compelling the kinsman to marry the orphan in any case himself; but Greek codes usually limit themselves to regulating the marriages of heiresses in the interest of the kinsmen, while here the intention is clearly to provide for the establishment of orphans without property.

Two laws ascribed to Charondas, on the subject of marriage, gave rise to numerous witticisms. He is said to have deprived men who married again of their civil rights, or made them incompetent to hold office in the State; and a former freedom of divorce was said to be restricted by a law forbidding a divorced husband or wife to marry again any one younger than their former spouse. We have seen that laws or customs acting virtually in restraint of second marriages did prevail in some of the Hamitic stocks, when the husband endowed his wife for the benefit of his children, or when the family property was transmitted through the mother. It is also clear that when, as in Egypt, office may be inherited, or held, in virtue of a wife's descent, it would be vacated if the husband, on her death, married again so as to found another family. The Greek and Latin epigrams, which represent the lawgiver as thinking a man must be too foolish to govern the State if, after one escape, he submitted again to the bonds of wedlock, clearly rest on misunderstanding; but they may have been suggested in part by rules like those of Marseilles concerning the timuchi,[3] as well as by the unfamiliar restraints imposed on marriage by the rights of

[1] All that is known from classical sources about the laws of Zaleucus and Charondas will be found towards the end of Bentley's Dissertation upon Phalaris. (*Works*, i. 376–417.)

[2] Cf. the "three adult witnesses" required to validate several transactions under the Gortyn Code, *post*, p. 477, 8.

[3] *Post*, p. 452.

children and the prevalence of inheritance through women. The other statement may refer to restrictions on the right of divorce imposed to prevent injustice to an aged consort, as the Chinese forbid the husband to divorce a wife, whom he married when poor, or who has shared his mourning for parents.

Sumptuary laws and one prohibiting residence in foreign countries are ascribed to the same source. The Rhegians of Italy, who followed the laws of Charondas, were described as having an aristocratic Government, "for a thousand men, chosen out according to their estates, managed everything," till a Messanian made himself tyrant.[1]

The authenticity of the section in the Politics which says there is nothing remarkable in the laws of Charondas, except the law about false witness, has been disputed, and the expression of opinion counts for nothing if it is not Aristotle's. The interpolation, however, if it be one, adds another link to the chain connecting the legislation of Italy and Asia Minor. It states that Androdamas of Rhegium gave laws to the Chalcidians of Thrace, relating partly to homicide and partly to heiresses; and as laws relating to heiresses are a very important and characteristic feature in the customary codes of the pre-Hellenic Mediterranean people, the pseudo-Aristotle may be believed, both as to the presence of this element in the so-called laws of Charondas, and to the prevalence of similar laws on both sides of the Adriatic.

Aristotle's own fine sense of what is really characteristic has preserved a word, nearly as significant as a law, used by Charondas to describe the members of the family, which shows that less importance was attached to genealogies in these communities than to the actual association of the household. Those who ate together, "the companions of the cupboard," were the domestic unit, as the Arabs hold that the name of son cannot be withheld from him, who from infancy has shared the "morning draught" of the household's head.[2]

Strabo's statement respecting the Mazaceni has been quoted already, and there is no difficulty in supposing Leuco-Syrian custom and Alarodian speech to have followed the same two lines of march as the alternative types of coin and weights which can be traced.[3] Pelasgian was still spoken in the time of Herodotus, in two towns on the Hellespont, and was pronounced by him, like the language of the Carians, a barbarous, *i.e.* a non-Hellenic tongue. But the *same* language was spoken in these towns and at Creston, or Croton, a Tyrrhenian settlement on the Thermaic Gulf, so that in this case we find kindred language and kindred institutions spreading along the same lines.

Cyzicus on the Propontis, the modern Artaki, was a Pelasgian settlement, said to have been subsequently occupied by Milesians from Crete; so that the resemblance noted between the city and its institutions,

[1] Bentley, *Works*, i. 402.
[2] Prof. W. Robertson Smith, *Kinship and Marriage in early Arabia*, p. 115.
[3] Cf. App. E., *Metric Systems of Babylonia and Egypt.*

and those of Rhodes, Carthage, and Marseilles, is perfectly intelligible. The city had three storehouses, one for arms, one for engines, and one for corn;[1] it employed three architects, who were presumably connected with some threefold division of the town, like that which characterized Etruscan municipalities, and it would be hard to imagine what other stock than the one we are tracking could so early have produced a city in this region qualified to rival in its size, beauty, and the excellence of its administration, any of the most celebrated towns of Asia.[2] As in the case of Tyre and other capitals of the pacific trading race, the chief military incident in its history is a siege, ending in the discomfiture of Mithridates; and it was one of the cities whose liberties were respected by the Romans.

In general, when it is said of any people, as of the Caunians, that "they follow their own laws and customs," or are "governed by ancient usage," there is a presumption that they belong to the ancient, wide-spread stock which was chiefly remarkable for having very many and peculiar ancient customs, and for adhering to them with exceptional persistence. One of these customs was that of paying debts without compulsion, and it is not a little curious to find that this habit was shared in the Homeric age by the magnanimous Caucones, whose origin and end is buried in the same obscurity as that of the Pelasgi and Leleges. Athena, in the person of Mentor, informs Nestor that he is on his way to that people to collect a large and by no means recent debt, and therefore cannot await the arrival of Telemachus.

An amusing comment on this undertaking from the Greek point of view has been added to the text of Strabo. It is argued that the Caucones must have dwelt in a different direction from that which Telemachus and Nestor's son would take. Otherwise it was natural for any one desiring to recover a debt from a people under Nestor's command to have appealed to him for help, "in case, as usually happens, they should be disposed to repudiate the contract." The poet of the Odyssey evidently knew what he was talking about, and had better ground than the commentator suspected for the choice of the incident. Even now a loan "not of small amount or recent date" will be voluntarily repaid by a Berber, as soon as he is able to do so, and, so far from refusing to discharge the debt when called on, he will actually take a long journey to bring the money to his creditor.[3]

That these scrupulous debtors should belong to the same race as the Locrians, who would not allow debts to be recovered by law, may seem improbable, yet the fact, if it be one, would admit of an easy psychological

[1] Strabo, xii. viii. § 11. It was part of the business of the agoranomi of Halicarnassus to provide for an abundant supply of wheat at reasonable prices. (*Anc. Greek Inscr.*, Pt. iv. p. 78.)

[2] Strabo, viii. iii. § 11, 17.

[3] The modern Egyptians have the same kind of scrupulosity. Professor Sayce had left some money with a native to execute a commission; he was unable to do so, and the money was returned, passing from hand to hand down the Nile, and reaching its destination safely. (*Alone through Syria*, Introd. p. x.) Mr. Flinders Petrie finds the workmen employed in his excavations equally exact and trustworthy in money matters. (*Medum*, 1892.) Cf. also *post*, p. 540.

explanation. In a commercial community it is desirable that money due for value received should be paid at once, *i.e.* that cash transactions should be the rule. When credit is the rule, cases of two kinds arise, in which repayment becomes difficult: (1) if the bargain has been unequal, and the sum to be repaid exceeds the value given; and (2) if the debtor has promised more than he is able to perform without injury. If the State enforces the payment of debts in any case, it must do so in all; and if it enforces payment in either of these cases, it protects the speculative trader, who makes a business of seducing the poor into bad bargains, and so encourages a purely predatory form of enterprise.

On the other hand, if the poor are free to repudiate what the Irish law used to call "bad contracts," the rich will not enter into them, and so the habit of wishing to repudiate contracts will not be formed. Loans which have benefited the borrower, so that they can be repaid without suffering, will not be repudiated; because custom and public opinion would condemn the ingratitude, and because it is against the general interest to discourage beneficial lending; and the same consideration applies to debts on account of goods worth the price for which credit has been given. A trader, who repudiates just debts because the law fails to enforce their payment, incurs the fitting and sufficient penalty of being unable to obtain goods unless paid for in advance. In China, where there is no legal redress of wrongs by civil process, this natural sanction is found efficacious; and if Locrian anarchy was favourable to Cauconian morality, it must have been for the same reason.

Whether the Phocæans who founded Massalia were akin to the Locri, who colonized Œnotria, or not, the people they found in possession apparently belonged to the same generation of colonists as the Cantabri, and the two elements in the historical population had amalgamated into a homogeneous whole. The names of Amphissa and Naupactus take us back to a time which Ephorus rightly supposes to have been earlier than the Heraclidæ, when the Locrians were shipbuilders, and Locris occupied by the pre-Hellenic Pelasgi, or Leleges; and the institutions of Marseilles, together with its resemblance to Cyzicus and Rhodes, strengthen the presumption in favour of its owing its origin, at least in part, to a similar stock.

To be eligible for the council of the *Timuchi* it was necessary for a man to have children and to be descended for three generations through full citizens. The laws of the Massalians, according to Strabo, were expounded in public, and "were the same as those of the Ionians," presumably those of Asia, whose laws are nowhere described, though they must have retained strong traces of Lycian or Amazonian custom, as several of their cities, like Ephesus and Miletus, had been formerly occupied by Leleges, and again by Carians or Cretans.[1]

[1] Curtius (*Hist. of Greece*, Eng. tr., i. p. 65) comments on "the fact that this early civilization of the Asiatic tribes was from the first akin to, and homogeneous with, what was universally called Ionic."

One of the laws of Marseilles, limiting the amount of dowries, is probably an indirect evidence of the former prevalence of such customs, for it would be unnecessary to forbid fathers to give large portions to their daughters unless they had been in the habit of doing so.[1] The largest dowries permitted consisted of 100 gold pieces, with five more for dress and for ornaments. Similar laws were passed in Crete, where they had doubtless the same significance, marking a deliberate transition, from the customs of an earlier race, transmitting property through daughters, to those of the later political stock, who invented paternal power and the tutelage of women. The special and distinct allowance for dress and ornaments is clearly a survival from customs of the old Egyptian and modern Malabar type.

Curiously enough, the only exact counterpart to the 600[2] Timuchi of Marseilles is to be found in the "Six Hundreds" of Malabar, of which mention is made in the earliest deeds surviving in the country, and commonly assigned to the 8th or 9th centuries A. D.; and as in Malabar traces survive of the sexagesimal system peculiar to the ancient Babylonians, it is not impossible that this number represents a more archaic tradition than the more usual number of three or one hundred. In Strabo's time the natives of the city were devoted to the study of philosophy and letters, and he singles out for admiration the extent to which their laws and customs had been imitated by the surrounding barbarians. The Romans in this case also permitted the city to retain its freedom and to govern itself by its own ancient laws, a concession which, here as elsewhere, may have been due in part to the political indifferentism of Hamitic and Alarodian States, which prevented any danger of conspiracy against the sovereignty of Rome, as well as in part to a just appreciation of the excellence of the local government spared.

The laws of Charondas may represent one aspect or development of primitive Leuco-Syrian or Alarodian custom. But the Amazons of legend and the Iberians of history have an equal claim to count in the same family, and it is not till all the suggestions of undoubtedly archaic usage with this parentage have been brought together that the question of the pre-Hellenic affinities of Cretan and Spartan law and custom can be even raised with plausibility. Ancient and modern Iberian custom are best considered before the Dorian and Syrian laws, which are chronologically older than any authentic records of the former, because no one will suppose the archaic features in Georgian or Basque custom to be modern inventions; while anything in them that is at once really ancient and sociologically akin to the archaic survivals in the Gortyn and Syro-Roman code, must stand to the latter in an elder-brotherly relation.

[1] It is noticeable that marriage contracts were registered publicly at Myconos (*Recueil*, i. p. 61) as sales and mortgages of land were at Tenos, probably because charges for dowries ranked with mortgages; while it was important to purchasers to be able to ascertain whether any piece of land was thus burdened or not.

[2] Cf., however, *Recueil*, i. p. 176, for the same number as the limit to a judicial tribunal.

## CHAPTER V.

### *LEGENDARY AMAZONS AND HISTORICAL IBERIANS.*

MIGRATION towards the West followed several distinct lines, and along side of or before the movement which ended at Marseilles, there was one of which the traces are still more curious and interesting. The identification of Basques and Georgians as members of the same strange linguistic family would dispel any remaining doubt as to the kinship between the Iberians of Transcaucasia and those of Spain, and the customs of both also agree in belonging to the same sociological family, which may be called the Lycian. The historical customs of Lycians and Iberians seem between them, to have produced the Amazon legend, and as some characteristic Iberian customs have lasted down to the present day, it will be convenient to dispose of the legend first.

According to Ephorus the Amazons dwelt between Mysia, Caria and Lydia, near Cyme,—Ephesus and Smyrna, as well as that town, being called after members of the race.[1] Strabo notices as singular the fact that ancient and modern writers agree as to the existence of Amazons,[2] though they differ as to the localities occupied by them. Theophanes, who accompanied Pompey in his campaigns, mentions Amazons and Albanians bordering upon Scythian tribes, while other writers locate the Amazons at the foot of the Caucasus. If we try to define the classical idea of the tribes thus named, it would probably mean a warlike body not merely governed by, but consisting exclusively of women, who bring up the daughters born from temporary unions effected under treaty with men of adjoining tribes.

Fortunately we are able to measure exactly the discrepancy between fact and fiction in regard to a mediæval myth concerning an "Island of women" off the coast of India, propagated by Chinese and Mahomedan travellers as well as by Marco Polo. The legend in this case may be controlled by a British Government report upon the island of Minicoy, which is doubtless the original of Marco's Female Island; and it is a fair inference that the version of the Amazon legend given by Strabo may have a corresponding substratum of fact. The two passages can be read in parallel columns, and it will be seen that everything except the account of the warlike habits of the women is the same in both: the justification of Marco's story will be found below.

[1] Strabo, xii. iii. 21.

[2] *Ib.*, xi. v. 3.

Every year when the month of March arrives, the men all set out for the other island, and tarry there for three months—to wit, March, April, May—dwelling with their wives for that space At the end of those three months they return to their own island, and pursue their husbandry and trade for the other nine months . . As for the children which their wives bear to them, if they be girls, they abide with their mothers; but if they be boys, the mothers bring them up till they are fourteen, and then send them to their fathers. Such is the custom of these two islands The wives do nothing but nurse their children and gather such fruits as the island produces; for their husbands do furnish them with all necessaries [1]

When at home, they are occupied in performing with their own hands the work of ploughing, planting, pasturing cattle, and particularly in training horses. They pass two months of the spring on a neighbouring mountain, which is the boundary between them and the Gargarenses The latter also ascend the mountain according to some ancient custom for the purpose of performing common sacrifices and of having intercourse with the women with a view to offspring in secret and darkness The female children that may be born are returned by the Amazons themselves, but the males are taken to the Gargarenses to be brought up The children are distributed among families, in which the master treats them as his own, it being impossible to ascertain the contrary [2]

Strabo's description is intended to apply to Amazons of Ceraunia in the Caucasus, but the same names as well as the same people reappear in Thessaly, and if the traditions respecting them have any historical value at all, it would follow that Amazons were nurtured in the mountains of Taurus and Caucasus, that they occupied, but failed to maintain themselves on the open sea board (as at Themiscyra, called the Plain of the Amazons), and that when driven thence, they passed into Greece, Thessaly, and Thrace. The identification of the comparatively rude tribes to whom the name was applied in later ages with the people of legendary fame probably rested in part on a real tradition of their origin and migrations, as well as upon their retention of peculiar customs What Strabo says of the Iberians of Transcaucasia in his own time [3] applied no doubt to the Amazons of Themiscyra and Lydia And the description of the dress of the pacific Iberians points to their relationship with the pre-Semitic Armenians and Medes, who are now commonly affiliated to the ancient white race of Finno-Ugric speech

The legend of the race of fighting women current among the Greeks was probably compounded out of true stories of tribes in which women rode and fought with men, and of tribes in which women sometimes ruled, and always enjoyed complete personal independence, and were in no way under the control of the fathers of their children The first trait would be most common among the wilder mountain tribes,[4] and lends itself most to picturesque exaggeration, but it is by the other that the Amazons of fable connect themselves with the Lycians of history and the many other detached stocks, from the Egyptians to the Basques, from the peaceful

[1] Sir Henry Yule's *Marco Polo*, 2nd edit., vol. ii. pp. 395, 6

[2] Strabo, ix. v. 2.

[3] "The plain is occupied by those who are most inclined to agriculture and peace Their dress is after the Armenian and Median fashion Those who inhabit the mountainous country are given to war, and live like the Sarmatians and Scythians, on whose country they border, and with whom they are connected by affinity of race" (*Ib.*, xi. iii. 3.)

[4] *Ib.*, xi. v. 3–8.

islanders of Minicoy to the wild Towarek tribes,—who have appeared to their neighbours to be under the government of women.

The ancient Albanians were noted for their respect for old age and for the dead, for their simplicity and "Cyclopean mode of life," for religious worship akin to that of Cappadocia, and for the multiplicity of their tongues.[1] The customs of the modern Albanians,—whose connection with their namesakes is as much matter of controversy as that between the Iberians,—retain traces of two distinct and characteristic usages of the archaic type with which we are concerned; namely, companionships of the sort anciently connected with the system of common meals; and the two stages in the marriage contract, of which betrothal is the first and authorizes connubial intercourse, while the wife is not brought to her husband's house till the end of the first year of marriage.

Troops of youths, like the Cretan *agelæ*, were formed at Elbassan, of twenty-five or thirty members of the same age and calling. The comradeship usually began during adolescence; each member paid a fixed sum into a common fund held by an elected president, who invests the money and renders accounts, spending the interest on two or three annual feasts generally held out of doors. The bond of comradeship is very strong, and companies are often not dissolved till the members are fifty; then each receives back his entrance money. Von Hahn, who gives these particulars,[2] also noted that clans and families were closely organized, and the former exogamous, like the Chinese *sing*. As a rule, somewhat more respect is shown for the mother than the father.

On the subject of the interval between the betrothal and the leading home of the bride, Miss Garnett adds: "A romantic reserve surrounds the interviews between the young couple (among the Albanians of the hills), who, especially if the husband be one of a numerous family, and have no private apartments, can only meet in secret till they have children of their own. The mountaineers cherish this custom."[3] The Northern Albanians and Tosks treat women with great consideration, and "they are often entrusted with negotiations for truce or peace," because they can traverse the camps of belligerents with greater safety than men, just as among the Iberians of ancient Spain.

The inference is plain that the laws and customs of the Amazonian ancestors of these mountaineers belonged to the same family as Spartan, Kabyle, and Basque usage.

Parts of Asia Minor, which have long lapsed into rudeness and obscurity, possessed a considerable degree of culture and wealth, when this race was in the ascendant there. Phasis on the Black Sea was an important spot, merchandize from Babylonia and India passing through Armenia, as well as through Media, to the Caspian. Trade and industry were developed to an extent unequalled in modern times, and the adjoining Colchians not merely resembled the Egyptians in their life and

[1] Strabo, xi. v. 3–8. [2] *Albanesische Studien*, p. 168.
[3] *The Women of Turkey and their Folklore*, pt. ii. p. 257.

manufactures, but had their ports frequented by traders and travellers, to whom Egypt was sufficiently familiar for comparison. The people of Phasis were also noted for their hospitality towards shipwrecked persons, whom they provided with provisions for the way, and three minas before shipping them off.[1]

Strabo's description of the Iberian constitution seems almost as if it had been inspired by the accounts of Egypt; but other characteristic details are evidently genuine, so that on the whole he must be counted as an independent witness in favour of a real resemblance. According to him, the inhabitants of the country were divided into four classes: the common people, who do all the servile work; the soldiers and husbandmen; the priests, who adjudicate in disputes with neighbouring peoples; and the first and chief class, from which the kings and priests are appointed. The king was not the son, but the eldest relation of his predecessor; and, as in Carthage, Sparta, and many other States of this order, the royal office is in a way duplicated, the administration of justice and the command of the army being in the hands of another member of the royal family.

The concluding paragraph in the same book [2] respecting the dedication of Armenian virgins to the temple of the goddess Anaitis ought very possibly to be interpreted also by the light of an archaic state of the marriage laws, rather than as an example of sensuality in religious rites. Strabo refers as a parallel to the license of the unmarried women in Lydia, described by Herodotus, and adds: "they treat their lovers with great kindness, they entertain them hospitably, and frequently make a return of more presents than they receive,[3] being amply supplied with means derived from their wealthy connections. They do not admit chance strangers into their dwellings, but prefer those of a rank equal to their own."

Herodotus is not so circumstantial, but he also implies that, among the Lydians, women had property of their own, and he expressly states "that they are wont to contract themselves." Now European travellers, when brought in contact with any genuine survival of archaic gynæcocracy, like that of the Nairs or Towareks, are always struck by the liberty of the women as a kind of organized license. The marriage law of the Nairs differs scarcely at all from that of Islam, except that the right of polygamy and of divorce at will are possessed under it by women instead of by men; yet it is habitually described as a system of concubinage, though in practice both polygamy and divorce are far less frequent than in Mahomedan communities. Strabo's statement would apply to the Nair women who own property, eschew *mésalliances*, and have indefinite liberty of divorce. And as a matter of fact, monogamy was invented, with the progress of civilization, in communities originally subject to the so-called mother-law; and when the invention was perfected, the women, whose

[1] B. Büchsenschütz, *Besitz und Erwerb im Griechischen Alterthume*, p. 428.
[2] xi. 14, § 16.
[3] According to Codrington (*Pacific Islands*, p. 24), it was necessary to use the periphrasis, "a woman who gives money" (to her paramours), to denote one who made a profession of licentiousness.

pristine license it appears to restrict, are nevertheless its most attached and faithful guardians.

According to the Description of Georgia by Prince Vakhushta (who died in 1770), the ancient religion of the Georgians was "to believe in one God and swear by the tomb of Karthlos;"[1] and he instances among their characteristics that they "keep their word and marry one wife of rank equal to their own."[2] Traditions of the practice of cannibalism and of marriages within unlawful degrees lingered vaguely, but were attributed to the influence of savage neighbours. The dead were mourned in sackcloth, and for a year the bereaved fasted from wine and meat. Hospitality and respect for the aged were universal.

Early in the eighteenth century a collection of Georgian laws was edited by a Prince Vakhtang,[3] which includes codes going back to the fourteenth century. The following provisions resemble those of the Syrian and Gortyn codes. In addition to graduated fines for the infliction of personal injuries of various kinds, the offender is required to pay the medical expenses of his victim, as by Rhodian and Chinese law. A wife abandoned without good reason by her husband was entitled to receive half the price of blood, or, in substance, an indemnity like that promised in Egyptian and other marriage contracts; the wife was liable for a similar payment under the same conditions, which is an indication that the proprietary position of the two consorts was approximately equal.

If a son, who had taken possession of the family property, refused to support his aged father, the father had the right to dispose as he pleased of his own earnings. This provision is at once a very interesting proof of the habit of abdication by the father on the approach of age, and of the closeness of the family partnership; for it would appear that, if the father received due maintenance, after he had made over the headship of the family to his son, his own personal acquisitions would go, like the earnings of younger sons, into the common fund. The sanctity of tombs was protected by the infliction of a fine for their violation, equal to twice the blood money of the person of highest rank in the tomb. Witnesses were not required to swear, but, as in the Syrian code, they had to "satisfy so many conditions of probity and impartiality" that such evidence could rarely be given.

[1] The question, Can this name have anything to do with the tutelary spirits of the ancient Armenians, called Khaldis? has been asked above. The succession to the throne was limited to the royal family, but was not strictly hereditary; the eldest son, or the most capable might succeed, or the late king's brother, or even his daughter in default of males. Queens are rather common in Georgian history and legend; a Queen Tamara, who flourished in the twelfth century, is the most conspicuous figure in the national legends and all important monuments, of whatsoever date, are attributed to her. The Description includes a long list of the royal officers, all of whom were held responsible for preserving the ancient customs of the country.

[2] *Description Géographique de la Géorgie par le Tzarévitch Wakhoucht*, published, with a French translation, by M. Brosset (1842), p. 7.

[3] *Journal des Savants*, 1887, pp. 164 and 278. The following particulars are borrowed from a review by M. Dareste of a Russian work on contemporary custom and primitive law by M. Kovalevski (1886).

The code of Vakhtang refers to the ancient custom of brothers living in community, but it gives the support of the law to those who desired to separate their interests from those of the group. Illegitimate sons were not entitled to share in the division of property,[1] but their brothers were bound to receive them as serfs, and they were commonly provided for by an allotment of land. The amount chargeable as accumulated interest was at one time limited to 20 per cent. The code of Vakhtang declared that excessive interest had been claimed upon loans, and fixed the lawful rate at 12 per cent., adding, however, that those who do not care about their souls may charge 18, 24, or even 30 per cent.; but compound interest was forbidden, and the interest was in no case to exceed the principal—a limit which is only to be met with in Egypt, China, and one or two undoubted branches of the Hamitic stock. The reckoning of the rate of interest by steps of six is also noteworthy.

Family estates were not allowed to be sold to pay the debts of individuals, and according to Vakhtang, real property must not be given as security for a loan. M. Dareste supposes the reason to be that land, for instance, belongs to a whole family and cannot be alienated, even for a time; but the prohibition is particularly interesting as showing that antichretic pledges had been in use before. Unmarried daughters had a right to dowry and maintenance, and the needful expenditure for this purpose formed a first charge upon a debtor's property, a characteristic illustration at once of the regard for women and of the feeling that no contract or legal obligation could justify the ruining of one man or family for the enrichment of another.

The modern Suanes, whose Platonic interest in the theory of government has been mentioned before, have retained one of the archaic features of ancient city life. Their villages "lie in clusters of two or four and go by a collective name, distinct from the individual appellation of each knot of houses."[2] In the same district girls were noticed taking part with boys, in a rough, fighting game, and dances of a barbaric kind were popular.

The whole country between the Black and the Caspian Sea abounds in remains of former culture and civilization of a comparatively advanced character. Rock dwellings and inscriptions as well as bronze remains of all periods abound, and it is a tradition that the now unlettered Georgians were formerly fond of learning. Like Mesopotamia itself, the country only requires irrigation to produce the utmost fertility, and remains of aqueducts and irrigation works abound on a scale testifying to the wealth and power of the rulers by whom they were carried out. The difference between the ancient and modern condition of the country cannot be accounted for by changes in the population, for it is evident from Strabo's account that the ancient Soanes and other tribes were quite as savage as any of their descendants, at the time when Phasis and Cyzicus were still marts of world-wide

[1] This provision is not usual, and seems to imply that such sons did or had formerly claimed to share.

[2] Freshfield, *The Central Caucasus and Bashan*, p. 298.

fame. The legendary renown of Colchis shows that civilization was developed in this region contemporaneously, let us say, with the palmy days of Carchemish and Sidon. And the importance of modern survivals of ancient custom, here, lies in the fact that the modern tribes are of the same material as those out of whom famous nations were made between three and four thousand years ago.

Turning now towards the western line of Iberian migration, we find the Basque and Tatar custom of the *couvade* existing, according to Diodorus,[1] in Corsica, a natural halting-place on the way to Spain, where Etruscan influence was at one time in the ascendant. He also praises the justice and humanity of the natives, and notices their regard for the rights of property. The sheep grazing upon unenclosed pastures were marked, and the finder of wild honey had his title to it respected. In the Balearic Isles women were highly prized, and three or four times as much would be paid for the ransom of a woman as of a man; notwithstanding which a barbarous marriage custom prevailed, which gave the bride to all the family in order of seniority before the bridegroom. It seems probable that the vague reports of the existence of the so-called *droit de seigneur* among the Basques point to a survival of this kind of barbarism rather than to the intrusion of feudal oppression.

Mention has been made already of the communism attributed to the Tyrrhenians in regard to women and children, and the institution of common meals and common tillage, which lasted longer, seems to have spread along the same line.[2] Diodorus states that the most civilized people in Northern Spain (the Vaccæi) used to divide the lands requiring cultivation, and, after harvest, distribute the fruits, allotting to every one their share, like the Chinese of the Chow Li. The more accessible and fertile provinces of Spain were occupied by skilled agriculturists; in Turdetania (Andalusia) trade and manufactures throve, and the silver mines were drained in the most scientific manner.

The manners of the people were polished and urbane, and they acquiesced first in the Phœnician and then in the Roman dominion, without any material change in the national character, though the native language was entirely superseded. The Lusitanians were said to resemble the Lacedæmonians in their use of oil, hot air and cold water baths; and the Iberian women were famous for their martial fury. But the different tribes of the same race varied as much as those of the Caucasus in civilization and pacific culture.

A passage of Strabo, descriptive of the marriage customs of the Cantabri, enables us to recognise that people as certainly belonging to the group of ancient nations in which women occupy the singular position characteristic of Egypt and Lycia, and at the same time to identify the customs of the modern Basques with those of the Cantabri. Strabo's statement is, that among the Cantabri "men give dowries to their wives, and the daughters are left heirs, but they procure wives for their brothers."[3] And it would

[1] v. xiv. [2] v. xxxiv. [3] iii. c. 4, § 18.

be difficult to describe more compendiously those customs in which the Basques and the Egyptians resemble each other, and differ, as Herodotus says of the latter, from all the rest of the world.

Some of the Basque districts have customary codes known to have been reduced to writing as early as the 13th cent. A.D., and the ruling principle in all of them, with regard to the transmission of property, may be described briefly as *primogeniture without distinction of sex.* The family property consists of the farm or homestead, which the household occupies and cultivates. On marriage, the firstborn, heiress or heir, becomes *co-seigneur*, in the manner already described,[1] and is entitled at once to half the patrimony, not as a portion that can be taken away for separate use, but in joint or common ownership. Local usages varied, and the written "Customary" of Barèges speaks of fathers and mothers *héritiers des maisons*, as constituting their firstborn heir, by marriage contract,[2] in a manner exactly corresponding to Egyptian usage. The younger children are entitled to a portion or dowry if they marry, and in this sense it is still true that "the daughters are left heirs, but they procure wives for their brothers." When the wife herself is not an heiress, her dowry is secured by a general mortgage on her husband's property, again in accordance with Egyptian precedent; but, as in Egypt, she remains free to waive her claim by contract in favour of other creditors.

The younger children, as in Malabar and Telos, are intended to remain single as far as possible, adding their labour to the family stock and only receiving maintenance and a trifling *peculium.* Their condition is fairly indicated by the names *esclaus* and *sterlo*, serf and celibate, by which the younger sons or *cadets* are collectively known. It was calculated recently that only about half the adult members of each family married, and of these some are provided for by marrying the eldest child of another house, while others have earned a dowry by industry abroad. The heiresses exercise exactly the same powers, as head of the family, as the eldest son in the same position; but in each case the consorts, who are chosen from affection or supposed ability to share the reins of office, take control of the part of the household or farm work appropriate to their sex. The women are remarkable for their strength and the share which they take in the hardest work, and girls as well as boys take part in the wrestling matches which are among the favourite amusements of the people.

Anciently a sort of right of sanctuary was possessed by all women, and special influence was accorded them in the tribal councils. At Illiberri (Basque *New town*), Hannibal was said to have employed the native women to arbitrate between their husbands and his troops. Sallust mentions that it was the business of the Spanish matrons to rehearse the deeds of their

[1] *Ante*, p. 212. Some further particulars, derived from the sources there quoted, will be found in *Fraser's Magazine*, May, 1878.

[2] M. de la Grèze, *Hist. du Droit dans les Pyrennées*, p. 223. This writer is much scandalized by another deed of Egyptian type, a contract of marriage for a limited term of years.

ancestors to the young warriors proceeding to battle; and he expressly notes that young women were not given in marriage by their parents, but themselves chose the most eminent in war to be their husbands. The legend respecting the foundation of Marseilles seems to show that this custom was general, and associated with acceptance of the son-in-law as heir. The captain of a company of Phocæans applied to the king of the Segobriges, on the Ligurian coast east of the Rhone, for leave to build a city on his territory. The king was preparing to marry his daughter, Gyptis, "after the custom of that people," to a son-in-law chosen at a solemn feast. The maiden was to give water to him whom she chose for her husband, and overlooking her countrymen, turned to the Greeks and held out water to Protis, who thus became the king's son-in-law, and was presented with the ground for his city.[1]

Besides their singular marriage customs, the Basques retain the scarcely less characteristic use of the antichresis: and in later times lawsuits were common to compel restitution of land pledged generations before, in exchange for a sum of money down, but subject to be reclaimed at any future time on repayment of the loan.[2]

Some of the Iberians of Andalusia in Strabo's time claimed to possess ancient writings, poems and metrical laws six thousand years old, and certainly had a written character—or rather more than one—of their own. And according to Professor Sayce: "The so-called Kelt-Iberian alphabet of early Spain is strangely like that of Karia;"[3] some forms are alleged to be common to both; in others the Spanish throws light on Lycian and Carian letters, all of which, like the Cypriote characters, are partly derived from the Phœnico-Greek alphabets and partly from an old "Asianic syllabary" with Hittite and Akkadian affinities.

It is strange, considering the literary tastes of the race, that the fellow-citizens of Ephorus should have enjoyed a proverbial reputation like that of the Bœotians or the wise men of Gotham. The instances of their stupidity quoted seem, however, to indicate the existence of a profound difference between the general point of view of the people and that of the wide-awake Greeks, whose contempt may have been as much tinged with misunderstanding as many European witticisms aimed at the Chinese. It was said, for instance, that the men of Cyme did not know their city stood on the sea-shore, because the city had been founded for three hundred years before it began to derive a revenue from the levy of harbour tolls. So the Mahomedan visitors at Calicut were amazed at the trifling nature of the duties levied on foreign merchandise; but it is by no means clear that the stupidity lay on the side of the people, who, for centuries, monopolized the commerce of the world by opening their ports for the reception of produce from every quarter of it.

All offshoots of the primitive domestic race had a turn for trade; but some contented themselves with internal traffic only, while others enriched themselves mainly by foreign commerce. The exclusiveness of the former

[1] Justin xliii. [2] De la Grèze, p. 232. [3] *S.B.A. Transactions*, ix. 112.

class rested on political or moral reasons only, and the latter were free-traders in every sense of the word, except that they wished to have no rivals in the markets where they *sold*. No hindrance was placed in the way of foreign traders desirous of selling to them.

The other example of Cymæan stupidity is more ambiguous. The people were said to need a crier to tell them to take shelter when it rained; and this assertion apparently had some foundation in fact, as patriots did not deny the imputation outright, but defended their wisdom by a far-fetched fiction that the State had once borrowed money on the security of the city porticoes, and not having repaid it when due, the citizens did not venture to take shelter under them unless invited to do so by their creditors' proclamation.[1] Evidently, there was no want of financial intelligence among a people which, at this early date, had indulged in the luxury of a municipal debt; and those who please may guess that the Greek jokes were prompted by public notices—perhaps mistranslated—of the paternal sort, so common in China, warning travellers against dangers of the road, or announcing trivial police regulations.

The mortgaging public buildings is a perfectly historical occurrence, as appears from an inscription of Halicarnassus,[2] which sets forth how the money for building a stoa was raised, partly by voluntary subscriptions, partly by new mortgages on special sources of city revenue, and partly by "a second mortgage on the annual budget of the town, debited already for six talents, which are to be first paid off by instalments of one talent a year, with its interest." And it seems fair to argue, from the context in which the similar transaction at Cyme is mentioned, that such a method of raising money was not common in purely Greek communities.

There is certainly nothing Bœotian, in the proverbial sense, about the school of art which flourished at Cyme and the neighbouring Myrina,[3] though its products bear a close resemblance to the terra-cottas of Tanagra, a little town in Bœotia, on the borders of Attica. At Myrina, on the south of the modern gulf of Tchandarlik, a number of most interesting terra-cotta statuettes have been found, some of which are startlingly modern in their pretty frivolity and humorousness. They are wonderfully varied and life-like, some looking like examples of Parisian *fin de siècle chic*, and others suggesting a cross between Egyptian vivacity and Greek skill.

There is a great variety in action and attitude, with consequent variety in the draperies, and it was a common device to attach different heads to figures from the same mould, so as to vary the stock patterns of the manu-

[1] Strabo, xiii. 3, § 6. I am indebted to my brother, G. A. Simcox, for the following suggestion. It is clear from Aristophanes (Ach. 169–173) that it was unlawful (and, of course, impracticable) to transact public business in the Assembly when it rained. When the Assembly was held in the market-place, it was natural for the people to take shelter in the surrounding corridors; and the joke against the men of Cyme may have been that they waited to do so till the heralds proclaimed that the Assembly was over. As heralds were "messengers of Zeus and men," if the money to build the corridors had been borrowed from a temple, this conjecture would agree with the explanation given at Cyme.

[2] *A. G. I.*, 1893, DCCCXCVII., p. 74. The town of Calymna also borrowed money, a dispute concerning its repayment being decided by Cnidus. *Recueil*, i. p. 159 ff.

[3] *Bul. de Corr. Hellénique*, vols. vi. (1882) p. 197, 388, 557; and vii. p. 81, 204.

facturer still further. Copies of popular statues were common ; for in the early days, when art appeared as the elder sister of industry, artistic copyright had not been thought of, and the original artist had no advantage over his imitators, except in so far as his skill exceeded theirs. The art-workman; in compensation, was free to be as much of an artist as he could, and his reputation was not merged in that of the factory for which he worked. The Myrina statuettes are generally signed with the maker's name or initial ; in one case, at least, father and son followed the same trade with distinction, and the latter signs at full—Pythodoros, son of Menophilos.

Nearly all the images seem to have been intended for funeral use, and, with the exception of a few grotesques and an occasional Eros, Nike, or Herakles, the figures are almost always those of women. Figures of the gods, with a secret drawer, so to speak, in which small bones were concealed, were popular ; and as M. Reinach suggests, the figures of Silenus, to which Alcibiades compares Socrates in the Symposium,[1] were probably an invention of the same order. Besides the terra-cottas of Tanagra, Cyme, and Myrina, no great number of parallel works have been found elsewhere, except at Cyrene, where, however, the animation of the figures is in some cases slightly overlaid by direct Phœnician and Greek influence.

That a knowledge of letters was generally possessed by the original population of Asia Minor seems to follow from the retention of their own language in the portions of a funeral inscription, which it was desired to have generally understood, and from an amiable custom of addressing confidential information to the passer-by, illustrated by more than one inscription of the following type : " If thou wouldst reach (the town), oh stranger, thou must leave the ravine and ascend the path ; but if thou feelest moved to sacrifice to the nymphs, and to my father (Dionysus), *go through the hedge on the left.*" [2] The service of the gods and men is happily combined when a convenient short-cut is pointed out in terms which leave those who profit by it no choice save to pay the author of the placard the compliment of worshipping at his private shrine. The taste for letters was indigenous, not acquired ; for Strabo notices,[3] as a peculiarity of the crowded and enthusiastic schools of Tarsus, that, unlike Athens, Alexandria, and other resorts of students, they are only frequented by natives. The men of Tarsus study at home and abroad, but strangers do not come to study with them.

[1] Symposium § 215.
[2] *Greek Inscriptions*, *l.c.*, DCCXCVII. and DCCCCX.
[3] xiv. 5, § 13.

## CHAPTER VI.

### *CRETE AND SPARTA.*

It only remains now to inquire how far the peculiar laws and customs of Crete and Sparta approximate to the archaic or Lycian type, which we have thus far endeavoured to track. The great Dorian cities of Peloponnesus recognised as their common metropolis a tiny territory called Doris, consisting of four townships on the borders of Phocis, just south of the pass of Thermopylæ. It would be strange if a small State thus situated was altogether of a different type from its nearest neighbours on either side, and accordingly the common meals of Sparta resemble those of the Locrian colonies; the Phocæan colonies, like Sparta, had laws or customs tending to the multiplication of heiresses; and the threefold classification of the people in Lacedæmon corresponds exactly to that prevailing in Thessaly.

In the latter country there was a landed aristocracy, supposed to be descended from a band of Thesprotian conquerors. Under these were various tribes, wholly or partly Greek, possessing the Amphictyonic franchise and corresponding in status to the Laconian Perioeci, and at a still lower level, the Penestæ, compared to the Helots of Sparta, slaves or serfs of the State, with no political rights, but a vested interest in the soil they cultivated, subject to dues which, in the case of the Helots at least, were not allowed to be increased. In both cases it seems probable that the subjugated people were members of a civilized, pacific stock, and that the harsh treatment, which drove them to frequent revolts, was partly owing to fear and jealousy of the wealth acquired by many of them in trade.

In Crete alone such revolts were unknown, and apparently not provoked, which is one reason for believing the population of that island to have been more homogeneous than that of Thessaly or Sparta. There are traces of three grades of inhabitants; but the Perioeci, whom Aristotle compares with the Helots, were not only better treated, but occupied relatively a position more like that of the Laconian countrymen. There was apparently also a servile class called Mnoians and regarded as the slaves of the State, over and above the slaves of private persons; but this class must have been numerically small and insignificant, as Aristotle overlooks it altogether, and we hear nothing of its being either formidable or oppressed. On the other hand, he expressly states that in his own time, "the Perioeci, or subject population of Crete, were governed by the original laws which

Minos enacted,"[1]—that is to say, by the ancient customary laws copied by Lycurgus. So that the middle class of the historic period were descended from the earliest rulers of the island, which has been described as "the principal stepping-stone by which Phœnician civilization passed into Greece."

The difference between Crete and Sparta lies in the temper and origin of the highest and the lowest class. In Crete the aristocracy seems to have been more or less of the same stock as the country householders; and that stock is one which never makes a harsh taskmaster, even to an unmistakably lower race. The State serfs may have belonged to such a race, even supposing them to have adopted the customs of their masters, as has been done by the servile population under Berber influence in Africa and by some of the lowest castes in Malabar. The laws of Crete were ascribed to Minos because there was no tradition of a time when the island was not subject to them; the laws of Sparta were attributed to a comparatively modern legislator, because there was a distinct tradition of a period of turbulence and disorder, ending with a sort of revolution which resulted in the establishment of the modification of Cretan custom familiar to us.

Herodotus declares that the Spartans before Lycurgus lived under the worst and after him under the best laws in Greece,[2] and that he changed everything; and later accounts of his innovations represent them as having been distasteful to the privileged classes, who resisted the sacrifices of ease and liberty more especially imposed on them. For a time after the Dorian conquest, Lacedæmon may have been the scene of strife and confusion such as were common in Thessaly later on, but underneath the lawlessness on the surface there was a large, peaceable, settled population with fixed customs, not at variance with the traditions of the little Dorian metropolis. It is not possible for a legislator to "change everything" by his own unassisted invention, but the singularly mixed character of Spartan law,—the combination of social archaism, derived from the primitive race with a savage exclusiveness and intolerance going beyond that of their political contemporaries,—would be exactly explained, if we suppose the revolution ascribed to Lycurgus to have consisted in a restoration of the old customary laws of the mass of the people, and their extension to the ruling class, so far as was compatible with the exclusive political authority of the latter.

The Spartan constitution was to a certain extent artificial; and the citizens did not in the long run find it altogether natural or agreeable to conform to the ideal, which political philosophers, in other States, admired their legislator for setting up. Hence a constant sense of discrepancy between the theory and practice of politicians, unknown to the domestic States, and a gradual tendency to drop the burdensome restrictions; so that notwithstanding its greater fame, Sparta really observed for a much shorter time than Crete the peculiar customs common to both.

[1] Jowett's *Aristotle*, Bk. ii. 10, 1. [2] i. 65.

The description of the government of Crete which Strabo derived from Ephorus is remarkable, as Hoeck pointed out long ago,[1] for the prominence it gives to the regulations concerning education, marriage, the public meals and matters affecting private life and domestic usage, while little mention is made of the distribution of power and the political constitution of the State. The Greeks in general had an impression that the Cretans had no written laws, but were governed by ἄγραφα νόμιμα, traditional maxims having the force of law; and Aristotle thinks it one of the oligarchic features of the constitution that the elders give decisions after their own judgment, instead of in accordance with the text of the laws. It is not necessary, however, to write laws when every one knows what they are, and in fact the education of children is said to have included reading and chanting metrical laws,[2] as well as certain kinds of music; and the comparatively late Gortyn code refers to earlier customs as "what is written."

The object and essence of the constitution was to protect the property of the citizens by securing their liberty; and to guard both against encroachment, by insisting upon a standard of temperance and frugality, which could be imposed equally upon all. We have not a purely Cretan version of the theory, but this is the way it presented itself to the Greeks. The distrust of luxury, and inequality of wealth, as a source of political inequality, endangering the liberty and property of the many, acts in purely Hamitic states on and through public opinion, which is the same in all classes; and thus the Chinese or Phœnician merchants, while acquiring really more wealth than the most avaricious violator of the laws in Crete or Sparta, might still observe the spirit of the constitution by distributing their surplus acquisitions so as to promote the equality aimed at.

The Lycurgean legislation went beyond this customary restraint, and forbade the citizens to engage in any kind of productive industry, while at the same time they were required to keep up their military spirit by a hard life and incessant severe discipline. But the object of all this self-denial was to make Sparta formidable to adjoining States, and to keep the Spartan citizens always in a position to crush the resistance of their subjects. When success in these objects seemed most secure, the temptation to relax the irksome discipline was strongest; and so the whole history of Sparta appears as a long-sustained but losing battle against human nature.

The self-denying ordinances imposed by public opinion on the rich in the pacific, domestic States have an exactly opposite effect; for all that restrains accumulation by the rich, and raises the standard of well-being among the poor, only makes it easier and pleasanter for all classes to maintain the *status quo*. The poor, when not oppressed, are prepared to resist oppression, and the rich, who are not demoralized by excessive luxury and idleness, do not desire to oppress their fellow-citizens. Crete suffered to some extent from the same evils as Sparta, but in a less degree, the alien political element being weaker in proportion; and it is perhaps worth noting

[1] *Kreta*, iii. p. 5. [2] Strabo, x. iv. 16–22.

that Polybius, who takes a very unfavourable view of the Cretan character, observes that all the best men in the island come from Lyctus. Lyctus was held to be a Lacedæmonian colony, and the critic may have thought that the reservation was uncomplimentary to the natives; but several references seem to show that Lyctus was also distinguished by the purity and strictness of its customs; and as it certainly did not owe its customs to Sparta, we may be permitted to doubt whether the character of its citizens owed anything either, and if not, the verdict of Polybius would imply that the Cretans were least objectionable when least Græcized.

The same word, Cosmus, was used for the constitutional government, and for the ten chief officials administering it; the cosmi were chosen from certain privileged families; they acted as generals, were not paid, and held office for one year only, but were at liberty to retire before its close, a right which was probably claimed by those who found themselves hopelessly at variance with their colleagues or the public. One of the ten had his name used in public documents by way of date, and treaties are signed as by those "who were cosmi with So-and-so." A council corresponding to the elders of Sparta, and presumably also thirty in number, was elected from those who had served as cosmi. The ecclesiæ or public meetings were open to all classes, and the decrees of the elders and cosmi were submitted to them for ratification, but apparently they could only vote Yea or Nay, not initiate any proposition.

According to Aristotle, the nobles and the people were given to conspiring against the government, rival parties being formed, and the office of the cosmi suspended for a time;[1] but as it was always restored ultimately, one is inclined to imagine that the peaceable masses allowed their chiefs to quarrel for office as they pleased, and to hold it unlawfully if they could, provided such *acosmia* only concerned the office-holders and did not interfere with the real order of the State; but that if these limits were exceeded, cosmi enjoying public confidence would be restored. Aristotle objects that "all matters of this kind are better regulated by law than by the will of man, which is a very unsafe rule;" but as *all* law depends for its observance on the will of man, the Cretans needed no *written* law on the subject, so long as they themselves habitually willed to keep their rulers in order.

The public meals were arranged in Crete more democratically than in Sparta. Strabo, after Ephorus, represents them as serving to promote good will, by promoting equality in temperance and frugality, which was done by enabling the poor, who were fed at the public charge, to partake of the same fare as the rich.[2] Aristotle understood the public tables to be maintained out of public funds, in the case of towns with a considerable revenue, but in others, as at Lyctus, each member of the association or brotherhood contributed a tithe of his harvest for the common meals. The fraction of the public revenue, whatever it was, assigned for this purpose was divided among the families of the citizens, and used by them to defray their share

[1] *Politics*, ii. 10, § 14. [2] x. iv. 16.

of the joint expense. Those who were unable, from poverty, to contribute anything of their own, were not disfranchised, as in Sparta, but received sufficient assistance from the public funds to enable them to pay their quota, while presumably a corresponding number of the rich failed to claim their share of the common revenue.

Cretan towns had special officers or overseers whose business it was to keep good order and arrange for the entertainment of strangers. There were at least two buildings for the common meals in every town—one for hospitality to guests, and one for the Syssitia; but as in the larger towns one building could not hold all the men and boys, the tables of the hetairiæ were probably not all under the same roof. The boys waited upon their elders and had half rations, with the exception of orphans, who received a full man's ration, but unspiced. M. Jannet, who treats the institutions of Sparta as purely Greek, yet alludes to the Kabyle "thime-cheret," or distribution of meat, as an equivalent for the ancient Syssitia, with exactly the same social import.[1]

In Kabyle villages, at the present day, one of the principal duties of the headman or Amin is to provide for the entertainment of strangers. A visitor who has no acquaintances in the place he enters, says to the first person he meets: "I come as a guest to the village," and is at once received and entertained as his rank requires. The same officer regulates the demand on each household for public purposes, and superintends the "division of meat" just referred to. French economists are somewhat scandalized by this venerable communistic usage, which serves, as an exceptional or temporary measure, the same purpose as the ancient Syssitia.

The community from time to time decides to kill an animal for the public benefit, the funds for the purpose being taken from the fines for criminal offences, the rent of corn mills, and surplus revenues generally. The meat is divided into portions, which are distributed by lot, and the poor share in the division (which is of course more of a boon to them than to their richer neighbours), without any sense of inferiority. The spirit of the institution is illustrated by two other rules for mutual accommodation: if a villager is obliged by accident to slaughter an animal between the regular market days, it is customary for the neighbours to guarantee him against loss, by buying the meat in due proportions, and this is called a *thamâount*,—help or succour. If, on the other hand, the irregular slaughter is quite voluntary, the family are required to give public notice of their intention, in order that the sick or expectant mothers may obtain meat if they wish for it.

Wealth and luck are expected to be unequally distributed, but the rich man is required to publish to the world such items of expenditure as exceed the customary level, and to pay a sort of toll to those in trouble; while the poor man, instead of falling a prey to greedy dealers who make a profit out of his extremity, has a market improvised for him by the good will of his neighbours, in which he can sell without disadvantage. Among

[1] *Les Institutions sociales et le droit civil en Sparte.* P. Jannet, 2nd ed. 1880, p. 72.

a people accustomed to limit the risks and license of individualism in this way, it was possible for the institution of common meals to thrive spontaneously, and it was in harmony with some other early domestic institutions.

The account of the Spartan banquets, in Athenæus, seems to represent that institution as approaching more to the semi-voluntary hospitality of the Berbers than is commonly imagined. He describes the feast called *copis*, when flesh and a cake, beans, figs, and such like accessories are given to every one who likes to take them; this was done especially at a festival celebrated on behalf of the children, just as the Kabyle distribution of meat by private persons is associated with domestic rejoicings for a birth or marriage. The ordinary Spartan supper was described as itself very plain and meagre, consisting of pork and barley cake, or sometimes only a morsel of meat and broth, cheese and figs; but this was supplemented by a kind of dessert,[1] partly fruits or sweets,—meal steeped in oil, which was wrapped in bay-leaves—contributed by the rich, or game and meat presented by successful hunters or the larger stock owners, who were allowed to eat at home after a hunt or sacrifice. According to another account, loaves of bread and a slice of meat called *aiklon* were set before all those who came to the *phiditium* (or *philitium*), while the servant who distributed the portions was followed by an attendant, who proclaimed the name of him who sent the aiklon round. A slight tax was also imposed on the successful suitor in any case heard before the Ephors, the proceeds of which were spent in providing the cakes used for this dessert or addition to the supper, as the Kabyle taxes in paying for the thimecheret.

The normal number of associates at a table was fifteen, and the groups partook so far of the nature of a club that members were chosen or rejected by ballot. The management of the table was entrusted to some woman of good family, who had the right of bestowing the choicest and most honourable portions upon whomsoever she held to be most eminent in wisdom or valour. Curiously enough, while in Melanesia something like the common meals of Dorians and Berbers are met with,[2] there is also, in Samoa, an office called Taupo, which may be taken to illustrate the original character of this Spartan custom.[3] The "maid of a village" who bears this name is generally the daughter, real or adopted, of the ruling chief; any way, she is a girl of good looks and noble birth, who holds office till marriage, unless deposed for unseemly behaviour. She receives strangers, chews kava for them, and in general "does the honours" of the village; she is dressed by a council of matrons to the highest possible pitch, and is in all ways a personage of much authority and influence. The Spartan cooks were men,[4] so that there was no room for a woman merely as housekeeper,

[1] ἔπαικλον; the aiklon was an evening meal, and the writers followed by Athenæus (*Deipnosophists*, Bk. IV. sect. 15–21) seem divided as to whether it was the meal itself or the dessert which was given in this way.

[2] Codrington, p. 100 ff.

[3] W. B. Churchward, *My Consulate in Samoa*, p. 348.

[4] Plutarch. *Lycurgus*, xii.

so to speak, for the tables, and it is difficult to see what can have been the functions of the one described, unless we are prepared to look for analogies in Samoa, and in the Irish female Brewy and the Guanche women of wise council, and conjecture that the Spartan institution may have been intermediate between these.

An interesting inscription of Lyctus[1] justifies us in connecting the largesses of Carian and other priests in Asia Minor with the archaic communism of Crete. On the occasion of two feasts, one of Bacchus and one of Belkhanos (a god otherwise unknown, and said to be a Cretan Zeus), the proto-cosmos or epimelete of the year was required to make a distribution to the people. This was to be done on the festival of Bacchus "with the gifts out of which the startoi (=stratoi)[2] receive 1500 denarii," and on the other with "the money which is given to the tribes." Certain revenues were thus, it is evident, regarded not merely as common property, but as common property to be distributed for individual use. If these sources are insufficient, the officer concerned must supply what is wanting himself, "as Symmachus the epimelete did," and as Asiatic priests who earned statues did.

The ancient Cretan name for the common meals was *Andreia*, which naturally seems to refer to the separation of the sexes at meals: the women in Crete ate at home with the youngest children, and an obvious reason for the separation, which existed among the Carians also, is supplied by the isolation of the unmarried youths in "troops," who lived and ate in common, and the usage which forbade young married men to live openly with their wives. Strabo asserts, after Ephorus, that the young men from the military troops were required to marry at the same time, on reaching a certain standing, and up to that time their life was evidently to some extent on a par with that of the young warriors among the Masai or Zulus. The Spartan custom, by which the young husband was only allowed to visit his wife by stealth, belongs to the same archaic state of society as the troops of fighting bachelors; and that the same custom existed anciently in Crete appears from the statement that the youths, when married, did not at once take their brides home, but waited till they were qualified to manage the affairs of a household. The suggestion of this imaginary motive for the custom seems to show that it must have been on the wane even when Ephorus wrote, and we know on other grounds, that about the 5th cent. B.C., the old customary law was being materially modified by statute. Boys in Crete lived in private or "hidden" up to the age of seventeen, when they were received into the *agelæ* or troops of youths, who lived, exercised, and slept together. The troops were maintained at the public cost, and both in Crete and Sparta there was some approach to a similar organization among the girls.

The Spartans, like the Nabatæans and the Nairs, practised polyandry, with the object of preventing an increase in the number of the citizens

[1] *Bulletin de Correspondance Hellénique*, 1889, p. 61 ff.
[2] The "hosts" of able-bodied men.

entitled to land. In communities, where the same restrictions on marriage prevail, there is always a considerable degree of license tolerated among the unmarried girls; and the legend of the Partheniæ, by whom Tarentum was said to be colonized, may be connected with reminiscences of this kind. It is also possible that the colony was sent by a malcontent, conservative party, at the time of some change in the law of marriage and inheritance, corresponding to that effected by the Gortyn code. The name, however, is not an uncommon one on the track of the Pelasgians; Parthenia was an ancient name for Samos, and there are rivers, mountains, or promontories in Elis, Arcadia, and the Tauric Chersonese and the Cimmerian Bosphorus, as well as temples and cities, with the same name; so that the legend may be a purely gratuitous attempt to account for a significant name. Neither in Crete nor Sparta is there any mention of societies or clubs of the grown-up women, like the varangis of Minicoy.

Nothing is known of the functions of the Cretan knights, except that, unlike the three hundred young Spartan warriors bearing the same name, they had horses. There can be little doubt that this body corresponds to the larger representative senate of the same number common among the Phœnicians and other peoples of Asia Minor, though its character had undergone a complete change in Sparta. It is possible that the council of Thirty in Crete and Carthage was recruited from the three hundred, and that the mysterious Carthaginian tribunals of Five were selected in the same way as the Agathoergi described by Herodotus.[1] According to him the title was borne by citizens who had completed their term of service among the knights: the five eldest of the knights go out of office every year, and are required to serve the State as ambassadors, or in any other capacity if required during the ensuing twelvemonth; and the elders would naturally be elected from among those who had given most proof of ability in this intermediate charge. Xenophon reports the knights to have been selected by three nominees of the Ephors, who themselves were five in number. Accounts differ as to the antiquity of the latter office, which was supposed to originate with the desire to control the royal power.

The fact that the kings are counted among the thirty gerontes may be taken to indicate that they were originally only chiefs or presidents of the senate, and it is possible that the importance of the Ephors began with constitutional resistance to Doric attempts at increasing the royal power. There is evidence of this in the addition made to the Lycurgean Rhetra, according to Plutarch, by two kings a century after Lycurgus, that "in case the people decide crookedly, the senate with the kings should reverse their decision." The original text of the rhetra or covenant which Lycurgus was supposed to have received from the Delphic oracle sounds like a general traditional rule concerning the founding of States. Temples are to be built; the tribes are to be divided (in Sparta as in so many other cases there were three), the *obes* (clans or families, answering to the Attic phratriæ) were to be distinguished; the council of elders with its chiefs

[1] i. 67. Five Cosmi are mentioned in an inscription of Lato.

was to be established; the people were to be summoned to periodical assemblies in a specified open place, and matters submitted for acceptance and rejection, "for the people shall have the decision and power." The number thirty occurs between the mention of the obes and the senate, and might therefore apply to either or both.

The peculiar word used for putting the question to the assembly corresponds to that which denotes an officer at Cnidus, in Caria, where a council of Sixty "chosen men of the best" held office for life. Their decisions in the preliminary discussions, held on all matters of importance, were taken by the Ἀφεστηρ, and the recurrence of the word in the Lycurgean Rhetra lends confirmation to the view that the Spartan legislation has most affinity with pre-Hellenic custom; while it may also be taken as an indication that the popular vote was not a mere form.[1]

The absence of any other executive in Sparta makes it probable that the institution of the Ephors was primitive, like that of the Cosmi, to whom Aristotle compares them. In both States they only served for a year and the elders for life, a provision well adapted to restrict the growth of authority, since it is permanent control of the executive which enables personal influence to consolidate itself. Consultative power, on the other hand, does not grow more formidable, rather the contrary, by remaining in the same hands. The democratic character ascribed to the Ephors arises partly from the office having been open to all classes, while the cosmi were in fact, if not by law, chosen from the aristocracy; and partly from the kings, who held office for life, having enough share in the executive to make them wish for more, so that the mass of citizens, who sought to maintain the virtually republican constitution, were led to choose representatives who would oppose encroachments on the part of the kings or senate.

Aristotle says that the Ephors were chosen in a childish manner,[2] and Plutarch's account of the way in which the votes were taken at the election of elders might receive the same epithet. Failing clear contemporary information one may conjecture that public opinion as to the merits of the candidates expressed itself in some simple informal fashion, sanctioned by custom, but without the mechanism for securing accuracy and fair play demanded by politicians, who look upon government as a game, at which some of the players are likely to cheat. Peoples of the Hamitic type do not care enough about politics to make an object of winning at the game, and have therefore no temptation to cheat at it; and even in Sparta, where this type was crossed with a strain of Dorian policy, the magistrates are accused rather of venality, of taking bribes to neglect their duty, than of spontaneous aggressions or the use of their power as a means of *giving* bribes, which is the true politician's favourite sin.

[1] Grote, ii. 466. Plutarch, *Quæst. Græc.*, c. 4. The Cnidian council were called *amnemones*, perhaps in contradistinction to an eponymous president, like the Cretan protocosmos. It will be remembered that eldest sons were privileged in Cnidus, *ante* p. 435.

[2] *Politics*, ii. 9, § 23.

The senators and even the kings could be called to account for their conduct by the Ephors, while the latter were responsible to no one; this seemed improper to Aristotle, because the elders were aristocrats and the Ephors quite common men; but the arrangement is eminently characteristic of primitive democracy. The Delphic oracle, like the Chinese Classics, knew that great men may be tempted to arrogance and lawlessness, but that small men are rather too little than too much disposed to take responsibilities on themselves; they need the encouragement of security, just as the self-asserting few need the check of responsibility. The same idea prevailed in Crete, where the cosmi were liable to fines if they failed to carry out the will of the people, and were required to give an account of their stewardship because, though they held office no longer than the Ephors and had no greater powers, they were chosen out of a class more likely to be at once able and willing to abuse their position.

Every considerable town in Crete had cosmi and a regular government of its own, and the different towns alternately fought and made treaties with each other as the Hellenic or Phœnician mood was in the ascendant. These treaties sometimes fix the boundaries of the cities concerned, or secure community of civil and religious rights to their inhabitants; freedom of trade, right of asylum and the power to hold land in the allied town are secured to the contracting parties. One treaty between Hierapytna and Prasos provides that any complaint made against officials or private persons in one town, by a member of the other, should be tried in a common court, apparently a third city to be agreed upon every year by the cosmi of the two allies. Each city is bound to pay the expenses of the cosmi sent as ambassadors from the other, and if the cosmi of a city failed to fulfil this obligation, it had to pay ten staters to the embassy as an indemnity. A fine of ten times that amount was imposed on the cosmi, if they omitted to have the treaty solemnly read over every year after due notice. One cosmus from the allied city had a right to sit in the assembly of the other with its officers. It seems as if the elders, or council of Thirty, had looked after the domestic affairs of the city, subject to control by its assembly, while foreign affairs were mainly in the hands of the cosmi.

By a characteristic provision it was agreed that fines imposed by the common court, for conduct at variance with the treaty, were to be divided between the two cities, not given in full to the complainant, as might have been proposed by less astute politicians. The treaty is signed by "the Cosmi with Henipas and Neon," *i.e.* by the cosmi of the two cities with these two as respective proto-cosmi; and this is the usual form, the name serving to date as well as to authenticate the document.

Nearly all the treaties provide penalties to be inflicted on the cosmi if they fail to read the treaty, or to give notice of its public reading at the time enjoined. And the treaties of alliance entered into between Antigonus and the towns of Eleuthernæ and Hierapytna show that the difficulties which beset democracies in diplomatic affairs were guarded

against in the same way. The treaty provides that the cosmi must call an assembly within a certain time after the king applies for help, and must send it within twenty days after it is voted: they must also give precedence to the claims of the envoys over all other business when the assembly has met, subject to fines for neglect.[1] At Hierapytna, the fines of the cosmi, if any were incurred, were to be paid to the city appointed as umpire.

This appointment of an *ekkletos* or umpire city is a very common feature in Cretan treaties. Thus Olus and Lato agreed to submit all disputes that might arise between them to the arbitrage of Cnossus. The decree which tells us of the treaty, shows that it was a renewal of former agreements, as Cnossus is to decide "the same disputes as from the beginning." As a guarantee for submission to the award, each city had to find Cnossians to give security for the sum of ten talents, the cosmi of Cnossus being entitled, if either party refused obedience, to hand over the surety money to the other; which of course they could only be in a position to do if it was held by their own citizens.[2] The position of the sureties must have been curiously like that of the Hong merchants in China, when responsible for the foreign barbarians admitted to trade, and it is reasonable to conjecture that the consideration for which they accepted the heavy pecuniary responsibility required by the treaty, took the form of commercial privileges. Originally Cnossus was required to give its award within six months of the reference to its decision, but this period was afterwards extended by general consent to a year.

Treaties or fragments of treaties remain between Gortyn and Lappa, the Arkadi of Crete and Hierapytna,[3] and the same city and Priene (all respecting rights of exportation); between Gortyn and Cnossus, between Drerus and Cnossus against Lyctus, and between Lyctus and Malla, while other inscriptions record the decrees passed in honour of representatives of the umpire city, whose decisions had put an end to strife. So judges from Cnossus and Lyctus restored order in a neighbouring city (conjectured to be Drerus), when confusion had reached such a pitch, that title-deeds and contracts were no longer respected. An honorific decree of the same kind was found at Larissa, where it was ordered to be set up in honour of judges sent by Mylasa on the application of Thessalians, but the device seems only to have flourished along the track of Pelasgic migration.[4] The importance attached to private contracts, which makes disregard of them the strongest sign of political disorder, is also evidenced by several references to a depôt for such documents at Cnossus and elsewhere; and the restoration of the archives of Hierapytna, at the expense of one of the officers of the city, is also characteristic.

[1] The peasants in the Servian Skuptschina have recently re-invented this plan of enforcing ministerial responsibility by fines and caution money.

[2] *Bulletin de Correspondance Hellénique*, 1879, p. 292. [3] *Ib.*, 1889, p. 48 ff.

[4] The story in Herodotus (v. 28), of how, after two generations of civil strife, Miletus appealed to the Parians for counsel, seems to point to a similar institution. So Megara and Miletus arbitrate respectively between Epidaurus and Corinth and Messene and Lacedæmon. *Recueil des Inscr. Jur. Grecques*, i. p. 168.

The Cretan ecclesia was open to all the citizens, the city and the people being convertible terms; but Crete may have differed from Sparta in allowing descendants of the Perioeci, living in town and enriched by trade, to count as citizens. Commerce and industry were in the hands of this class, and Hoeck conjectures that the periods of acosmia, of which Aristotle speaks, may have been caused by the ambition of rich men, who were not eligible as cosmi.

The proverbial addiction of Cretans to the sea[1] gradually ceased under Dorian influence; the island possessed good harbours, but few raw products for export, save wine and oil, while the corn supply was insufficient for its needs. Crete was the nearest Greek station to the African coast, and the intercourse between the two is evidenced by the existence in the port of Gortyn of a temple to Æsculapius modelled on one at Cyrene; one writer absolutely calls the Libyans Cretans, and at the present day Africans find their way to Crete without greater facilities than existed 3,000 years ago.

Various traditions speak of a close connection between the inhabitants of Crete and of Ægina, the Birmingham of the Ægean, though the proverb which associates their names had seemingly an uncomplimentary intention.[2] Cretan pretexts were a by-word like Punic faith, and to "Cretize a Cretan" was an achievement as it might be to "Jew a Jew." The typical Cretan divined by intuition what others were plotting, and had an unamiable faculty of concealing his own intentions, which laid him open to the charge of fraud. In fact, among the Greeks they had the same reputation as the Phœnicians throughout the Mediterranean, though their laws and customs exercised a peculiar fascination for the most philosophical of Greek politicians.

According to Ephorus, Lyctus, Gortyn, and other small cities observed the national customs more minutely than Cnossus, the original capital celebrated by Homer. Cnossus afterwards lost its ascendency, and the superiority was transferred to Gortyn and Lyctus. Plato puts the men of Gortyn at the head of the Cretans of his day, and the inscription[3] discovered in the ruins of the city in 1884 is presumably a relic from the time of its supremacy.

This very important and interesting document contains a complete body of private law in twelve chapters, several of which strike the translators and commentators, who read them by the light of Roman or purely Greek law, as perplexing, while the same passages are quite in accordance with precedent, if taken as remains of pre-Hellenic, quasi-Hamitic custom. The first chapter deals with actions for the recovery of slaves, a wrongful claim being punished by fine, the amount of which varies according to whether the party claimed was a slave or free. The slave has the power

[1] Ὁ Κρὴς τὴν θάλασσαν. Cf. Hoeck, *Geschichtliche Bruchstucke*, iii. 405 ff.

[2] Κρὴς πρὸς Αἰγινήταν—a phrase which seems to have had the significance of Greek meeting Greek in the battlefield of commerce.

[3] Most fully discussed and translated by F. Bucheler and E. Zitelmann. *Das Recht von Gortyn*, Rhein. Mus. of Philologie, 1885.

of taking sanctuary in a temple, as in Egypt: if, however, he does so because he wishes to belong to a master who has been judicially condemned to give him up, that master must show the lawful owner where he has taken refuge; such knowledge, however, gave no right to a forcible recovery of the fugitive, only an opportunity for persuasion.

The second chapter prescribes penalties, mostly fines, for adultery, and regulates the conditions of divorce. "When man and wife separate, she shall have her own, what she had when she came to the man, and half the produce of her property which is there, and the half of all her weaving, whatsoever it be; and five staters (in addition to the above), if the man is to blame. If he denies, the judge will decide upon oath." No penalty is provided for the case of the *woman* being to blame, and this is the first indication in the code that it originated with a people who think of the relation of marriage as one in which the wife, rather than the husband, dictates the terms. Egyptian moralists warn the injured husband not to ill-treat his wife. "Has she transgressed? Let her depart with her property."

The idea of marriage as an exclusive, life-long, relation was at first restricted to an aristocratic few; the man who had a family, wife and children, and house of his own, was supposed to enjoy a privilege; but the man who had failed to secure it was not at first held to have suffered an actionable wrong; if his wife chose to leave him, that gave him no right to retain the property she possessed before marriage, or had earned during it. If, however, she was willing to adhere to her part of the marriage compact, and was driven away by the man's default, even the late Cretan law held she was entitled to compensation. The stipulation as to the property to be taken away by the divorced wife resembles those in the Irish laws. If the wife took more than the amount specified, she was liable to fine.

The third chapter deals mainly with inheritance. If a man dies, leaving children, the wife, if she pleases, may have her own property back and what the man gave her "according to what is written" (or according to the law), before three witnesses; and in this case, of course, the children take their father's property and remain under the guardianship of his family, while retaining any earnings or additions made to the original portion of their mother. Practically this arrangement would take effect whenever the widow intended to marry again, and no hindrance was placed in the way of her doing so. If there were no children from the marriage, the wife took half her own weavings and the fruits of her property, and shared with her husband's relatives the corresponding goods left by him in addition to her lawful dower. If the wife died without children, her "belongings" take a corresponding half-share to that claimed by the family of a deceased husband. The code seems conceived in the interest of these *epiballontes*, the rights of husband and wife towards each other, and of mothers, in relation to their children, being restricted in the interest of the kinsfolk.

If man and wife wish to make a gift to each other, of money, clothes, or other articles of value, it must not exceed the value of twelve staters. Now in Egypt and Malabar, the object of large gifts from husband to wife, or conversely, is to secure inheritance to the children of the marriage. If the spouses are free to give away absolutely their share of the family property, the claim of the *epiballontes* to a half-share with the children on death would be defeated. But there must certainly have been a disposition in some section of the community to make such gifts on a large scale, or the act would not have been forbidden, however strong the conception of the opposite claims of kinship had become.

The same kind of inference is warranted by the clause in the fourth chapter, which declares, "The father shall have power over the children and over the goods and the division thereof, and the mother over her own property." Evidently there had been a time, within human memory, when the *mother* had power over the children and the property and the division thereof; the innovation lies, not in giving the mother control over her own property, but in restricting her control to that. Similarly, in the next clause, we find traces of the claim of children to a partnership in their parents' property. The law proceeds: "So long as they (the parents) live, it is not necessary for them to divide," but an exception is made in the case of a child who cannot pay damages to which he has been sentenced, and who must receive a portion of his share for that purpose "as has been written."

The Gortyn code provides for the division of the parents' property, the sons taking two parts of everything and the daughters one, as was still done in Strabo's time; but the sons took all the houses and oxen, unless there was no property except a house, and then the daughters were to be provided for in accordance with some earlier law.[1] Gifts from fathers to daughters, as from husband to wife, were limited by law; what had been so given or guaranteed before the publication of the code was not interfered with, but it was to be counted as part of the share which might afterwards fall due by inheritance. Gifts from father to daughter, as from husband to wife, must be made in the presence of three adult free witnesses. Chapter V. begins with a very perplexing passage. A woman who has no property, either by father's or brother's gift, or promise or inheritance, *i.e.* "those when the Æthalian men ruled, the Cosmi with Kyllos, shall inherit but those before that have no legal claim."[2]

[1] In parts of modern Greece it is not thought proper for sons to marry till all the daughters are provided for.

[2] The Æthalians are mentioned in another Cretan inscription (Visscher, *Kleine Schriften*, iii. p. 3), which is too obscure itself to throw much light upon the present passage, and in two treaties, one certainly and one possibly concerning the city of Drerus (*Bulletin*, 1885. *Cretan Inscriptions*, pp. 1–28). The inscription of Drerus, in which the phrase (*ἐπὶ τῶν Αἰθαλέων κοσμιόντων*) occurs, is considered by the editor to be much later than the Gortyn code; and if this were so, instead of referring to some one definite period, it must imply that at recurring intervals all the cosmi were chosen out of the same family. Suidas' rendering of Aithalos as the name of a lord and a place does not help us much. The other inscription is a treaty, and the opening words may be read as if the two per-

The Æthalians, it has been conjectured, were one of the noble houses from which the cosmi were chosen; and if so, the code implies that they monopolized that office at some period long enough to set its mark upon legislation. If the native laws of Crete concerning marriage and inheritance were of the Lycian and Iberian type, it was inevitable that powerful Greek houses, with quite opposite instincts and traditions, should aim at repealing them entirely, just as many English, in the days of Elizabeth, saw nothing but barbarism in the ancient laws of Ireland. The code has the appearance of a compromise between the custom of the country people, by which property passed mainly through daughters, and a revolutionary statute of the Æthalians, disinheriting women altogether or reducing them to tutelage. If this were so, the code would give relief, up to a certain point, to the victims of the Æthalian period. But women before that time—when the father who wished to endow his posterity did so by gifts of his property to daughters—would have received gifts at marriage on a scale now prohibited, and therefore would have no further claim to share inheritances falling in afterwards.

The explanation is only conjectural, but it makes every part of the law intelligible and consistent, while many passages in the code are inconsistent with the view that it represents a growing liberality towards women, like that of recent English legislation.

If an unmarried woman in the household gave birth to a child, it is said that the lord of the father shall rear it,—but if he is dead, then the lord of the brothers; whether the brothers of the father or those of the woman are intended is doubtful, but the clause recalls Strabo's account of the Gargarenses.[1] It does not refer to slaves, but to dependants, or even relatives of the householder's, and it points to a state of civilization similiar to that prevailing in Ireland, when the right of a woman to have children by a stranger was only restricted, because all acknowledged children had a right to share in the family land or property.

In the ordinary course of things, children, grandchildren, and great-grandchildren inherit by the code; failing these, brothers and brothers' children or grandchildren, and failing these, sisters and sisters' children or grandchildren; after them the *epiballontes*, the kinsmen or clansmen, who either divide the inheritance by consent, or, if they disagree, call in a judge to arbitrate. When the wife dies, leaving children, the father may administer their maternal inheritance, but must not sell or pledge it without the consent of the adult children. There is no corresponding provision for giving the wife even a life interest in her husband's estate; for the archaic custom, which the code supersedes, made no such provision, the wife being endowed by *her* father, rather than the husband by his. And the code itself being designed to restrict rather than increase the proprietary rights of women, would not naturally introduce a new stipu-

sons named were cosmi of the town of Aithalos, which is unlikely, because in such cases only one cosmus from each town is usually named.

[1] *Ante*, p. 455.

lation in their favour, merely for the sake of symmetry. If the father marries again, the children receive their mother's estate.

While the father lives, the son must not sell or pledge any part of the inheritance, but he may, if he pleases, sell what he has himself earned or inherited. The father is not allowed to sell the son's, nor the husband the wife's property, nor a son the mother's; and if they do so they must pay double to the purchaser and restore the original goods to the owner. All these prohibitions seem directed against the joint-ownership enjoyed by the family group of Egypt or the Basque country. It is only when the son enters, as of course, into partnership with his parents, on his nativity or marriage, that the idea of his right to alienate their possessions could present itself at all. When this partnership is a reality, the son's earnings pass to the community; but the father who acts "for his sons" in selling what is his own, *a fortiori*, would only sell for their advantage what was theirs.

We have seen how in Egypt the proprietary independence of women allowed them to act for the benefit of sons and husbands with a freedom much restricted under the system of tutelage, and the tendency of the code is to prevent wives and mothers from endangering the reversionary rights of their kinsmen, by alienations for the benefit of sons and husbands. Greek individualism favoured the belief that sons, husbands, and male relatives generally gained more by claiming for every one the right to do as he pleased with his own, than by authorizing the domestic trio to deal as one man with its threefold possessions. The correctness of the belief itself may be questioned, but there can be little doubt that this Gortyn code represents the struggle between individualism and paternal power on the one hand, and the decaying remnants of domestic communism and mother-law on the other.

The seventh chapter lays down the principle, diametrically opposed to Lycian law, that the children follow the father's status. The children of a free woman by a slave are slaves. If a woman with property has children, some of whom are free and others slave-born, her property goes to the free-born children only; and if she had none such, it would go to her relatives. Such a contingency seems scarcely conceivable, and the fact that it is provided for seems to show that the legislator desired to put a stop—still in the interest of the epiballontes—to the license used by some women of independent fortune.

There are numerous provisions relating to the marriage of heiresses, all of which are Greek in their way of regarding the woman as an appendage to the inheritance, but the phrase describing how heiresses are made preserves a few traces of the pre-Hellenic custom which made heiresses inconveniently numerous. According to one clause an heiress-daughter is made by father's or brother's gift, and the term seems to be used in two senses—for one who owns property in consequence of such gift, and for one who has inherited her father's estate in default of male heirs. According to another clause, "an heiress is when there is no father or brother from the

same father." A father's eldest brother has a right to marry the heiress; but failing sons, a man's property may pass to his daughter, subject to the right of uncles, cousins, or fellow-clansmen to claim her hand and fortune. If an heiress loses her husband and has children, she may marry again within the *phyle*, but cannot be compelled to do so; but if there are no children, she is married whether she likes it or no.

A fragmentary passage limits what a mother may give her son, or a husband his wife, to 100 staters; but the last clause stipulates that no litigation is to take place concerning gifts made before the code, which provides only for the future. By a provision similar to that in the laws of Charondas, an heiress daughter was left to the guardianship of her mother, though her property was administered by her uncles. Under some circumstances the mother's brothers acted as guardians, and no one, save the two sets of uncles conjointly, was allowed to sell or pledge the property of an infant heiress.

Adoption appears to have been common, and is tolerated rather than encouraged by the code. Women and children are forbidden to adopt: and an adoptive son only received a daughter's share, if there were any legitimate children. Failing such children, he might take the whole property, and was then required to give a feast to the *hetairia*, and to fulfil all civil and religious obligations, otherwise the estate reverted to the "belongings," as it did also upon the death of such an adoptive son without children.[1] The heir of a man dying in debt was required to surrender the unpaid for goods included in the succession.

There is practically nothing about the tenure of land in the code, but another fragmentary law found at Gortyn seems to say that ancestral property may only be sold under certain circumstances, and that whosoever sells or pledges it, does so subject to the risk of having to redeem it for the family, and compensate the purchaser by repaying twice the price received.[2] Another fragment has been found treating of a dispute whether certain property of an adoptive son was "ancestral" or not, so that the distinction certainly acted to restrain such transfers.

If the owner of an animal, that was injured by a beast belonging to some one else, had done all that could be done in "running after" the delinquent, he had the choice of either taking the offending animal, or the price of his own injured beast. But the proviso that he must have done his best to prevent the mischief suggests a certain disposition among the persons affected by the law to "Cretize" each other whenever a favourable opportunity occurred.

The language of the code and other inscriptions seems to show that the typical citizen was a married householder, who frequented the gymnasium,

[1] This clause is reproduced exactly in the French *Code Civile*. It has been met with on another fragmentary law inscription, also found at Gortyn, which specifies that the act of adoption can only be revoked by public proclamation through heralds in the assembly of the people. (*Le droit de succession légitime en Athènes*, E. Caillemer, p. 130, 1879.)

[2] *Bulletin de Correspondance Hellénique*, 1880, p. 468.

and belonged to an hetairia or club; the unmarried youths lived in the agelæ, but all "runners" were competent to take part in civil and political acts. A person who did not belong to any club was called ἀφεταιρος, and the position of such a class was recognised by the code. The law was made for the householders, who formed the mass of the civil population, but the noble houses from which the cosmi were chosen probably followed their own usages, and were not bound by the rules for householders.

There are indications of the rites of interment having been anciently in the hands of a special class supposed to be of Pelasgian origin; and on the feast of Hermes, masters and slaves changed places, and the former were obliged to take to flight unless they were prepared to obey. If the Roman Saturnalia, the best known example of this curious custom, was derived from the Etruscans, we should have no hesitation in deriving both that and this from the Babylonian Saturnalia, of five days' duration, mentioned by Athenæus [1] after Berosus, and now known to be as old as Gudea. Such an institution is much more congenial to the spirit of a race which is slow to accept the institution of slavery at all, and requires the consent of the slave to his own sale or re-capture. The Romans had neither the humour nor the humanity to invent such a break in the routine of servitude, but their slaves were naturally more attached to the custom than those of easier masters, and it would therefore have been impossible to break the tradition when once established. In Crete it is quite in place and doubtless archaic.

Cretan conservatism shows itself by the retention, even to the present day, of two peculiar articles of dress mentioned respectively by Galen and by Aristophanes; namely, long boots, which may have been originally of the Hittite pattern, and a short, white, hooded capote. One is also tempted to recognise in "the special Cretan dish,—a mixture of cheese and honey," [2]—a relative of the Carthaginian soup praised by Cato. In the Middle Ages the Cretans accepted the overlordship of the Venetians, as their ancestors had accepted that of the Dorians; and even now, after long periods of oppression, revolts, and raids of extermination, the ancient gift for association and local self-government is not entirely extinct. The Demogerontia, a representative council peculiar to the Cretan Christians, administers charitable properties for widows and orphans under the direction of the Bishop, and the large amount of self-government conceded by the Turks since 1878 has "in other ways worked well." [3]

If it were certain that the customs of Crete and Sparta belonged to a wider group of which they were only late survivals, there would be no reason to suppose Sparta to have borrowed direct from Crete, since both would be indebted to a common earlier source. The Greeks do not seem to have had any serious grounds, apart from the resemblance between them, for deriving one from the other, and there is one real reason in favour of their independence. There are no traces in Crete of Amazonian

[1] *Deipnosophists*, xiv., c. 447.
[2] *The Islands of the Ægean*, Rev. H. F. Tozer, p. 46.
[3] *Ib.*, pp. 60, 76.

customs or traditions. We have seen reason to believe that women anciently possessed proprietary rights, which were curtailed under Greek influence, but we hear nothing, as in Sparta, of the special influence or authority exercised by women in the State. This is equally true of the Phœnician settlements, and in both cases would be explained by the colony consisting mainly of seamen, unaccompanied by women of their own stock.

In spite of the interest taken by all Greek writers in the singular institutions of Sparta, we are nowhere told wherein the special powers or privileges of Spartan women consisted; but their influence being an established fact, it is one more easily derived from Thessaly by way of Doris, than from Crete. Aristotle mentions as a fault the freedom of bequest allowed by Spartan law, and as if in proof of the evil results thence ensuing, adds: "Nearly two-fifths of the whole country is held by women; this is owing to the large number of heiresses, and the large dowries which are customary." The large dowries were, no doubt, as in Crete and Marseilles, a reminiscence of times when men endowed their daughters during their own life, because their nephews inherited after their death. But why there should be more heiresses in Sparta—where female infanticide was practised—than elsewhere, is a point that has never yet been explained. The phenomenon, however, would become intelligible at once, if we suppose that the freedom of bequest denounced by Aristotle was exercised under the inspiration of traditions which made heiresses of *eldest*, as well as of *only* daughters. If, as the inscription of Puteoli seems to show, this was the custom among the Phœnicians, down to the 2nd century of our era, without the fact being distinctly understood or reported by classical writers, such a custom might also have existed in Sparta without our knowing it, the rather that it would naturally die out with the families, never very numerous, of the original citizens.

The son of the daughter who was given in marriage with the inheritance, on coming of age, succeeded to the property of his maternal grandfather, and was held to succeed him directly; but freedom of bequest would have no tendency to promote the inequality of wealth or the concentration of property in few hands which was complained of in Sparta. There was no restriction on slaveholding, which was a possible source of wealth, and the citizens who were debarred from all useful productive occupations, without being cured of the desire for wealth, could only gratify their tastes by unnatural restrictions on marriage. Several brothers had the same wife, and if she was an heiress, and her son or sons were married in like manner to the heiress of another house, the two inheritances would be united.

Rawlinson says[1] that Lycurgus "is supposed to have forbidden the subdivision or alienation of lots, entailing them strictly upon the eldest son, or the eldest daughter, if there were no son; in the case of childless persons to have only allowed their lots to be bequeathed to citizens not possessed of any land; and in the case of heiresses to have provided that they should be married only to such persons." All this is so

[1] *Herod.*, iii. p. 353.

entirely in accordance with Basque analogies that the suppositions are extremely credible. But the references given, to Thirlwall's *Greece*, Manso's *Sparta*, and Müller's *Dorians*, are only available as indirect evidence. Thirlwall writes that wealth was equalized at Sparta "by means of adoptions and marriages with heiresses, which provided for the younger sons of families too large to be supported on their hereditary property. It was then, probably, seldom necessary for the State to interfere, in order to direct the childless owner of an estate or the father of a rich heiress to a proper choice. But as all adoption required the sanction of the kings, and they had also the disposal of the hands of orphan heiresses, when the father had not signified his will, there can be little doubt that the magistrate had the power of interposing on such occasions . . . to relieve poverty and check the accumulation of wealth."

According to Müller the extinction of families was "provided against by regulations concerning heiresses, adoptions, introduction of *mothaces*, and other means." There was "only one heir, who probably was always the eldest son," and he, who bore the title of lord of the hearth, was expected to maintain his juniors. The normal plot enabled the householder to subscribe to the syssitia for three men: "if, however, the family contained more . . . the means adopted for relieving the excessive number was either to marry them with heiresses or to send them out as colonists."

The above are quite natural and obvious inferences, but they owe something to the five "laws" laid down by Manso,[1] with a precision not exactly warranted by his authorities. For instance, the law that childless persons were bound to bequeath their lots to landless ones is an inference from the story of Epitadeus in Plutarch's *Agis*:[2] the abuse he introduced was the allowing men to bequeath their estates to whom they pleased, instead of to the person they preferred out of the class indicated by law. Similarly, the rule that heiresses should be given to men without land of their own is an inference from Aristotle,[3] who says: "As the law now stands, a man may bestow his heiress on any one whom he pleases," as if the law had formerly stood otherwise. These passages point to *some* restriction which had been removed, but not necessarily to the particular one inferred. Another inference, which is obviously unsound, is to the effect that daughters were forbidden to inherit, even if only children,—a provision which would have rendered all provision for the bestowal of heiresses unnecessary. It rests only on the passage in Plutarch, which makes Lycurgus reply to the question, why he commanded daughters to be given in marriage without dowries, that it was "lest a few should be run after for their wealth, and others left unmarried because of their poverty." No giving of dowries would be necessary if all women either inherited land or married a man who had done so.

What it is really fair to infer from these inferences of scholars, to whom the idiosyncrasies of Basque family law were unknown, is, that it is not

[1] *Sparta*, vol. i., "Beylagen," p. 129. [2] v. p 504.
[3] *Politics*, ii. 9, § 15.

possible to conceive, in detail, the working of laws of the traditional Spartan type, except on the hypothesis of their being associated with customs of the Basque or Egyptian type.

What M. Revillout calls *le serment décisoire* was recognised in the Gortyn code: the female slave's sworn accusation was received against her master, and a divorced wife, accused of taking away property belonging to her husband, was entitled to clear herself by oath.[1] These are archaic features; but the transitional character of the code is also clearly shown by a clause which makes it illegal to sell a slave held in pledge "until he who has deposited him have redeemed him," which shows that slaves were still mortgaged in the ancient way, but that such securities were no longer transferable at discretion.

It was held dishonourable for Lacedæmonians to sell land, and forbidden to sell land anciently possessed; but as the Helots paid customary dues of fixed amount, landowners could only be enriched by increasing the amount of their holding. According to tradition, the whole of the subject population had been promised the same rights and liberties as were retained by the Perioeci, and the degradation of the Helots was effected subsequently by force and fraud. They did, in fact, retain some rights of local government, and their reputation as good seamen is an additional evidence of their connection with the earlier race of Mediterranean navigators.

On the whole, it seems possible to believe in the personal existence of a legislator like Lycurgus, if we may regard him as a kind of Greek Yelütache,[2] who, finding a mixed, disorganized population at strife, borrowed the good customs of the numerical majority, and adapted them to the wants of the band of conquerors, as the Khitai and Mantchus adopted the code of their Chinese subjects. Such a plagiarism, though rare, is not absolutely impossible; the extent to which Plato modelled his ideal commonwealth upon Cretan and other alien examples, shows that the excellencies of these States appealed in some way to the imagination of the most open-minded Greeks; while at the same time their selection confirms our view of their non-Hellenic character, since the builders of Utopian States are apt to use their experience of the imperfect régime under which they actually live, only as a guide what to avoid. The translator of Barbosa's description of Malabar[3] conjectured that Plato may have borrowed the family law of his Republic from that of the Nairs, who also bear a considerable resemblance to his class of Guardians; and the undoubted resemblance between Cretan or Spartan and Malayali usage makes it almost certain that Plato had in his mind a phase of Cretan custom developed in a direction approaching more or less closely to that of Malabar.

There is yet one other quarter from whence light may be thrown upon

[1] "The Procedure of the Gortynian Inscription." J. W. Headlam, *Journ. Hell. Stud.*, 1892–3, p. 65 and p. 57; also p. 49 for bibliography of inscription.

[2] *V. post*, vol. ii. ch. xiv.

[3] *A Description of the Coasts of East Africa and Malabar in the beginning of the 16th century*, by Duarte Barbosa. Trans. by the Hon. E. J. Stanley, Hakluyt Society, 1866.

the existence and character of pre-Hellenic elements in the population of Sparta. The language both of the Mainotes and the Tzaconians, who are supposed to be lineal descendants of the ancient Laconians, is said to retain, even to the present day, elements and forms which are distinctly non-Hellenic. The vitality of the language shows itself by the fact that words borrowed from modern Greek are made to follow its peculiar grammatical forms. And there is a general disposition to regard the hill shepherds, by whom it is spoken, as representatives of the Cynurians of Herodotus.[1]

As M. Deville observes, the parts of Greece, which were always most backward in comparison, are also those where the ancient language has undergone least alteration,[2] and it is agreed on all hands that Tzaconian, with its thirty simple consonantal sounds,[3] and its singular grammatical forms, contains elements derived from a period older than any surviving Greek literature. Thiersch, whose monograph on the subject contains more material than could probably be collected now, writing in 1835,[4] not unnaturally looked for the explanation of its peculiarities to some language "in which the *origines* of Greek, Latin, and German still lay together," *i.e.* in a hypothetical Pelasgian answering to this description. Dr. Deffner, whose work seems not to have been completed, thinks it is unnecessary to go further back than Greek for the explanation of any peculiarities, though an occasional reference to Latin and its derivatives may be helpful. But the subject, which is certainly one of great difficulty, can hardly be regarded as exhausted until it has been treated by one or more of the very small band of scholars competent to recognise and deal with pre-Hellenic elements—if such there be—of the authentic Lemnian-Pelasgic order.

The polygonal city walls of the ancient Thyrea were found just on the borders assigned by Pausanias to the free Laconians, where the dialect is found surviving. Thiersch describes the people as strong, well made, intelligent, reliable, and capable of noble feeling. He tells the story of a youth who received 300 dollars reward for putting out a fire on shipboard, so as to save the gunpowder, and spent the money in dowering his sister; a course which local opinion approved, but did not consider exceptionally meritorious.[5] He does not mention any domestic customs; but Manso says of the modern Mainotes that it is not customary for them to marry before twenty-five,[6] and that there is a strict custom against any meeting of lovers between betrothal and the marriage ceremony; which might be the result of reaction against the opposite archaism. If the wife dies without children, her dowry reverts to her own family; but if the man dies, his wife enjoys his inheritance during widowhood.

[1] viii. 73.
[2] *Étude du dialecte Tzaconien.* G. Deville, 1866, p. 130.
[3] *Zakonische Grammatik.* Dr. M. Deffner, 1881, p. 7.
[4] *Treatises of the Royal Bavarian Academy of Sciences* (1835), vol. i. pp. 513–582.
[5] *Ib.*, p. 573.
[6] *Sparta*, vol. iii. pt. 2, p. 153.

## CHAPTER VII.

### *A SYRIAN LAW-BOOK.*

THE resemblances between Cretan and Berber custom are sufficiently marked to warrant the conjecture that Phœnician and Syrian law and the Gortyn code might throw light upon each other. We have no information as to the characteristics of Syrian law; but a Syro-Roman law-book, ascribed to the 5th cent. A.D., in spite of its late date and the peremptory temper of Roman legislators, contains embedded within it traces of ancient local custom, the strength of which is best evidenced by their appearance here, in a late summary of Roman law, which—just in virtue of its non-Roman elements—continued in force for centuries, over a wide area, even to the exclusion of the Justinian code.

Just as the character of the ancient laws of Minos shows through the transparent network of Hellenic restrictions, so the peculiarities of Syrian usage were strong enough to impress their own shape upon a formal declaration of what was allowed and forbidden by Roman law. The work seems to have been drawn up by some provincial law practitioner, for the benefit of his countrymen, much as a native Hindoo might collect together such provisions of English law as Hindoos are required to obey, and yet would not obey spontaneously, because of their divergence from ancient national usage. The learned editors of this work[1] regard it mainly as an exposition of Roman law, adding comparatively little to the knowledge either of its theory or its practice. But the rules of inheritance in cases of intestacy differ from all the rest of the code in their complete divergence from all Roman principles—a divergence which, as they truly observe, can only be accounted for as the remains of some old system of popular law, presumably Syrian. Some few other details noted by the editors as singular, unintelligible, or non-Roman, can also be explained, if we suppose the local custom surviving in the code to be of the type called for convenience Hamitic or Alarodian.

At the time of the compilation, Roman law had been so long in force that its peculiar theory of paternal power had become familiar, but several passages show that it remained uncongenial. Thus it is stated (§ 44) that the law makes a man's sons' sons subject to him, but not his daughters'

[1] *Syrisch-Römisches Rechtsbuch aus dem 5ten Jahrhundert.* Translated and annotated by Drs. K. G. Bruno and E. Sachau, 1880. One Arab, two Armenian, and two Syrian texts are given. The oldest Syrian MS. is supposed to come from the town of Hierapolis, N.E. of Antioch and not far from the Euphrates.

sons; a man has only power over his daughters. Of course to the races inspired by Egypt and Chaldæa, the Roman idea of "power" is entirely alien; but supposing it to be forcibly introduced, all analogy would point to its being exercised by the maternal grandfather, "the father of my mother," from whom the Egyptian governor so frequently derived his hereditary office; and its restriction to the paternal grandfather had to be expressly stated. On the other hand, the father's *potestas*, according to one text (§ 81), did not entitle him to appropriate gifts or legacies to a son from his mother's family; and, by another clause, which the editors consider to be contrary to all precedent and analogy, legacies from a stranger to a son under power could not be claimed by his father or grandfather, though the *testator's* father or grandfather could bar the legacy by alleging their own need (§ 54). In other words, a son, whether formally emancipated or not, had no right to enrich a stranger by his will if his father or grandfather needed maintenance; while a father had no right to prevent his son being enriched by his mother's family, or by strangers if they pleased, and had no nearer claims.

What may be called the natural rights of the father were by no means under-estimated, but their recognition is evidently associated with the idea of the family as a corporation or natural partnership, in which senior and junior members alike have a vested interest determinable only by death. Thus the question is raised whether a man can reclaim property the possession of which he has ceded to another. The answer is that a man may reclaim it from a descendant of his own, but not from a stranger. This at least is the point meant to be decided, but both the Syrian MSS. use a remarkable expression: he can reclaim the property if it has been given to *his son, or his daughter, or the children of his daughter* (§ 22). The Arabic version says, "son or daughter, or the children of his son," and the editors assume this to be the correct reading; but when we find the Nabatæans habitually bequeathing tombs in accordance exactly with the Syrian formula,[1] the obvious conclusion is, not that the two texts in question need emending, but that the words at least of the old rule were still sufficiently familiar for them to occur spontaneously to compilers or copyists.

Failing the father or father's father, the mother's father may be guardian (§ 6), an encroachment on the rights of paternal uncles which is significant of the type of usage superseded by Roman law. The mother herself might be guardian, upon undertaking not to marry again. Traces of the primitive partnership or community between father, mother, and son are still visible in the statement that men are not responsible for payments due by a son, a mother, a father-in-law, or a brother. This, as the editors observe, is undoubted Roman law, so undoubted that for Romans it would hardly need to be formulated, while with family groups of the Egyptian type the presumption is the other way, and mutual responsibility between parents,

[1] *Post*, p. 513.

children, brothers, and even a wife's parents, is presupposed unless expressly barred by statute.

The same remark applies to the clause declaring that a free woman can give her husband power to administer her property, and that a man can do the same to his son (§ 31). We have seen that in Egypt, where the proprietary rights of women are largest, their right to alienate property at discretion for their husband's benefit, or for any other reason, was most unrestrained; and the clause shows that by Syrian custom the liberty of women in this direction was not restricted in the interest of the reversionary rights of her kinsmen, the "belongings" of Gortyn law. The word used to describe the powers which a man might give to his son (ἐπίτροπος) implies a degree of authority which the editors of the code think altogether inappropriate to the relationship; and, in fact, it is clear that if Syrian fathers obliged Roman lawyers to recognise their right to designate a son to act as guardian or trustee for their property, the custom of the country must have been favourable to such trusteeship as was enjoyed by the Egyptian prince and heir-son Heqab.[1]

The readiness to extend the legal idea of agency, characteristic of Babylonia, seems to have prevailed amongst those for whom this law-book was written, and they are warned that it is not allowable for a man to let his slave plead for him in a law-suit, as it would have been by native custom, following Babylonian precedent. The existence of a former habit of giving property to wives, and of legislation like that of Marseilles and Gortyn directed against the habit, is proved by the clause declaring that a man must not buy goods or land in his wife's name, except out of an inheritance of her own (§ 43). Such purchases could only be objectionable if intended as an evasion of the law against internuptial gifts; a perplexing exception is made in favour of a man marrying a widow; but as it is inconceivable that the husband's kinsmen should have been more willing to waive their rights in favour of widows than of maiden brides, perhaps the case contemplated is that of an heiress married for a second time to a kinsman of her first husband, who was allowed, as we should say, to settle her own money upon her, by such a purchase, to prevent her being in a worse position than the bride given with a marriage portion from her father.

One clause is of great interest in view of the supposed connection between the type of usage represented by the Laws of Charondas and Syrian custom in the widest sense. It states that if a man buys a thing and gives a sum of money as earnest, if the vendor afterwards declines to deliver, he must give back twice the earnest; while if the purchaser recedes from his bargain, the earnest is forfeited, the earnest serving in each case as a fine for breach of contract (§ 51).[2]

[1] *Ante*, p. 124.

[2] See *ante*, pp. 443, 449. The editors comment on this as a curious provision, but see no reason to suspect in it a survival of old Greek or Oriental law; the case is altered, however, when Locrian and Rhodian precedents are found for it.

Several passages show the prevalence of antichretic loans or pledges to which Roman law accords a scant and somewhat grudging toleration. "When land is pledged on the agreement that the mortgagee shall have the fruits instead of interest, it is lawful" (§ 99); but land which has been given in possession as a pledge, or sold, cannot be reclaimed after ten years. Such a limitation is practically fatal to the system of perpetual mortgages, by which the right of poor proprietors to redeem ancestral land remains unimpaired in China, Babylonia, and Malabar, from generation to generation. In these countries, if the original mortgagee wished to get his money back before the mortgagor was prepared to redeem his land, he could not foreclose, but simply had to sell his interest, representing something less than the freehold, to some third person.

Roman influence had prevailed so far, when the law-book was compiled, that the mortgagee claimed the right to sell after a certain term, and the conflict of the two tendencies is manifest in another paragraph (§ 107), which seems also partly inconsistent with the one last quoted. By this, debts cannot be reclaimed after thirty years; but if a special article or piece of land had been pledged, and remained in the hands of the original mortgagee, it can be reclaimed on payment of the original debt. Evidently local custom was changed for the worse by Roman statute in two particulars; the natives apparently had held with the Caucones, the Chinese, and the Berbers that the moral liability to pay a debt continued indefinitely, though inability to pay was not severely treated, and Roman law lessened the obligation previously recognised, by fixing the term of thirty years beyond which debts were irrecoverable. On the other hand, where native custom had only allowed a mortgagee to sell his own interest, the law-book, following no doubt the usage of the Roman courts, contemplates his selling outright land of which he had not completed the lawful purchase, since such sale was admitted, after ten years, as a bar to the original owner's right to redeem on repaying the original loan. The decree of Halicarnassus discussed above may have been the result of a similar conflict of interests.

As in Babylonia, cattle and slaves might be pledged in the same way as land; in the case of an ass or horse their labour was counted in lieu of interest, and the young belonged to the original owner (§ 99). The same rule applied to slaves and their children. With sheep and goats, the increase and the wool go to the mortgagee, but the latter has to pay the expense of herding; the increase of the flock goes against interest on the loan, but he has to keep up the original number of the flock pledged.

A clause which the editors dismiss as "too stupid, not to say too meaningless for comment," is to the effect that all crimes are to be punished according to the degree of criminality (§ 82). But the vague phrase might be regarded with more respect if we see in it a survival from some ancient Babylonian counterpart to the much admired generalization, which fills up all deficiencies in the Chinese code, by stating that all conduct contrary to the spirit of the laws, if not expressly prohibited, shall

nevertheless be appropriately punished, that is, in accordance with its degree of criminality. It is quite certain that the author of the law-book did not invent anything, however meaningless, out of his own head; and if he was reproducing an imperfectly understood legal maxim derived from an earlier system, it can scarcely have been anything but that suggested by Chinese analogy.

Another clause forbids the person who has taken a pledge to buy anything from the debtor or mortgagor till the pledge is redeemed, so that there can be no suspicion of the sale not being voluntary. The editors think the clause would be strange, even if the prohibition were limited to the article pledged, and it is of course quite opposed to the spirit of Roman law. But it is in close harmony with the law of China,—which expressly forbids a creditor to buy his debtor's land—as is the prohibition coupled with it, forbidding all commercial transactions between the governor of a province and the persons under his jurisdiction.[1] The prohibition is an exact counterpart to the Chinese law, which forbids officers to buy land or to marry in the district under their control. And the same dread of undue influence, exercised under the pressure of commercial interest, dictates the stringent qualifications required from witnesses whose evidence is to be accepted in lieu of written deeds.

Such witnesses must be freemen of blameless repute, over twenty-five years of age, and if the contested transaction took place in the past, not less than twenty-five at the time of its occurrence; and they were further required not to be friends or relatives of the parties concerned, nor connected with them through any commercial dealings; and besides bearing witness, they were required to swear that their witness was true (§ 106). It will be remembered that the Gortyn code required the presence of three freeborn, adult witnesses to give validity to most important acts; and both in Egypt and Babylonia the number of witnesses to deeds, and the judicial weight attached to an oath, show that their participation was not a mere formality. The Syrian law-book justifies the additional inference that the witnesses were always a picked class, consisting of householders whose general character stood high, and whose impartiality in the particular case could be relied on.

The law of marriage as set forth by the compiler contains several points of interest, the rather that he describes or alludes to some distinct, not to say opposite types of usage. All four versions of the text agree in stating that the portion (or *φερνή*) of the bride and the dowry (*δωρέα*) of the husband should be formally written down. It is said to be the custom in the west for the two to be exactly equal, but in the east the woman brings twice as much as the man. Hence the rule which gives both *dos* and

[1] § 65. The word used is ambiguous, and might mean either that he was forbidden to buy or to sell houses or anything else from or to his subjects; but the only difference between the two transactions would be that in the one case a bribe might be disguised in the form of an excessive price, and in the other as a present in kind, if goods were ceded in excess of the réal value of the price received. Cf. *post*, p. 527.

*donatio* back to the wife if the husband dies, whether there are children or not; while if she dies, the husband takes *dos* and *donatio* only for the children's benefit, and if there are no children, he only gets half the *dos* in addition to his own *donatio*. The larger proportion borne by the woman's contribution in the conservative east is clearly a relic from the time when family property was transmitted exclusively through women, while in the west the custom of giving large dowries to daughters was deliberately put down by statute.[1]

Besides these two types of marriage settlement, differing only in the amount contributed by the wife's father, it is explained that there are many people who do not follow the custom of writings (*i.e.* marriage settlements) between husband and wife at all, but betroth themselves simply by agreement[2] and "crowning them with the lauded crown of maidenhood lead their wives in peace and joy from their parents' house to their own." Such marriages are not illegal, but the children born of them only inherit by the custom of the province, and the wife of such a marriage, as in archaic codes, does not inherit from her husband. The custom of the province was no doubt variable, and there was probably something in the local usages, as in Egypt, answering remotely to the Roman distinction between a wife with dowry and one without. The case is raised of a man who has married two wives, one with a portion[3] and one without, and it is said, he may make the children of both marriages alike heirs by will, but otherwise those of the wife with a portion would take everything.

There was no question as to the legitimacy of the children, but, as in Egypt the whole of the father's property normally passed to the children of his "established wife," so here the succession passed to the children of the wife "with writings," failing testamentary provision to the contrary. Apparently the freedom of bequest, frequently alluded to, only included three-fourths of the estate, and the children seem to have had an inextinguishable claim to one-fourth, which is also alluded to as a possible amount for the daughter's portion. The mention of "what the law gives" in the Gortyn code refers, no doubt, to some equally well-defined custom.

If the wife's portion included slaves or flocks, in the case of separation or divorce she takes the original number and half the increase (as the Gortyn wife retained half her weavings), her husband retaining the other half (§ 105)—a distinctly non-Roman provision, which the editors can only suppose to be derived from local custom. It is a custom, however, which the Gortyn code and the Brehon laws together show to have been at one time widely diffused. In case of a separation by consent for such a reason as the wife's infirmity, the husband, who, for old affection's sake, did not wish to get rid of her altogether (or to surrender her dowry and marriage

[1] § 92 and p. 40; Arab. § 51; Arm. 45, 46, 50.
[2] *παρρησία*: the editors suppose verbal, as distinct from written, contracts to be meant. § 93 and § 35.
[3] *φερνή*.

portion, as in the case of divorce), was required to provide her with a separate dwelling-place and an allowance proportioned to her marriage settlement, like the alimony always promised to Egyptian wives (§ 115).

Egyptian usage on another point is recalled by a very curious section, which implies the acts of betrothal and marriage to have been separate and distinct. If a woman has promised to be a man's wife, and her parents or herself have received a ring or ornaments and gold and other presents as an earnest for the betrothal, and the man then dies, and his parents or relatives demand the return of the gifts, what is to be done? The book replies: "If a bridal chamber was made for the maiden and her husband has seen and kissed her," then she keeps half and returns the rest to his parents and next of kin, but if he has no such near relations she keeps it all (§ 91). If, however, the betrothal has been arranged by relatives, or by writing, and the bridegroom has *not* seen or kissed his betrothed, then all the presents are returned.

Now it could never have been in accordance with Oriental ideas of propriety for the bride to be seen or kissed by her betrothed apart from the marriage ceremony, and the chance of the husband's dying between this stage and the consummation of the marriage is too remote to have been provided against by law. If, however, the betrothal and the marriage were separated by a considerable interval, as among the Kabyles, or if, as among the Egyptians, there were two stages or degrees of matrimony, there would be a real possibility of an intended union being broken off by death. The mention of the bridal chamber seems to imply that the betrothal might sometimes be equivalent to the Egyptian "taking to wife," though it was not always or necessarily so; and in this case all that would be wanting to complete the marriage would be the execution of the writings, or marriage settlement, which converts the betrothed bride into an "established wife."

As has been already suggested, this interval of legitimate but incomplete union is a reminiscence of the secret intercourse sanctioned by Spartan custom. There are three possible arrangements upon marriage; for the wife to go and live with the husband's parents, for the husband to go and live with the wife's parents, and for the husband and wife to form a new household apart. For the husband to visit his wife openly or secretly, while she still remains with her own people, is transitional, and probably a modification of the second type of usage. The duration of this kind of tentative union would of course be fixed by custom, and after the birth of children[1] or the completion of the marriage settlement, the period of probation ended with the constitution of a new household. The ancient

[1] Mr. Tylor considers that the habit of ignoring the husband's existence till the birth of children, and of naming him (as father of So-and-so) after the first child's birth—which prevails in some rude races—is associated with the custom of the husband going to reside with the wife's parents; and the same association may plausibly be assumed to have obtained among ancient races of higher civilization. In Armenia, where the wife is forbidden for a similar term to speak to her relations by marriage, it is she who is received into an alien community.

Chinese custom, by which the wife, after a few weeks or months of married life, returns to visit her own parents, probably represents another mode of transition, the marriage not being entirely complete, until the bride has returned to her new home, after having had a physical opportunity of not doing so. Cashmere folk tales frequently mention this customary visit of the bride to her parents, which is too common to have originated in mere complaisance toward the bride's home-sickness.

Of course the paragraph in the Syro-Roman text would not by itself have suggested any connection with the archaic customs of Spartan or other barbarism; but it remains unintelligible unless it is taken to denote a clear interval between a betrothal which justifies gifts and kisses, and the complete marriage involving a transfer of property; while if interpreted in this sense, it at once connects the local custom described with that of Egypt and the Liby-Phœnicians.

The law of inheritance as laid down in the book is very interesting. The rule of succession in case of intestacy is neither purely Roman nor purely Hamitic; but the right of a testator to appoint, as heir by will, the person who would have succeeded by Hamitic law without appointment, is expressly stated. If a man's sons pre-decease him, leaving no issue, and a married daughter also pre-deceases him but leaves sons, the man may, if he pleases, appoint these daughter's sons to succeed him, even though he has brothers or brothers' sons living; but if he does not appoint his daughter's sons by will, his brothers or nephews succeed (§ 37, 102–4), and if he has no brothers, his father's brothers or their sons inherit. When the descendants of his "fathers" (*i.e.* males) are exhausted, the sons of his daughters and their stock succeed, then the sons of his sisters, but among these the males alone inherit as long as there are any, and females only succeed in default of males (§ 104).

Women only inherit in the first degree; if a man dies, his daughters inherit with their brothers, and so when a woman dies, after her husband, all her children inherit equally; but if the daughters had already received a portion on marriage, that is counted as a part of their share on the general division. It seems as if the ancient custom of bequeathing property to daughters had been too strong for Græco-Roman influence, but that in other cases the male line was allowed to take precedence. Sister's sons, mother's sister's sons, father's sister's sons and their descendants do not inherit till the male line is exhausted. Failing descendants from sons or uncle's sons, daughter's sons and father's sister's sons come in, and failing them the stock of the man's *mother*, *i.e.* her brother's or sister's children, and even perhaps, as in Georgia, her children by another marriage.

The editors observe that this distinction between female agnates and cognates is unique, and it can only be accounted for by the grafting of a strict rule of descent through male agnates upon an equally strict rule of descent through women. In China, where a similar change of usage must have taken place at a remote date, one of the tokens of it is the copious-

ness of the vocabulary distinguishing mother's kin, wife's kin, and daughter's kin, or three distinct classes of relationship through women. The Syrian law is sharply distinguished in principle from all the codes which, after establishing a strict order of precedence among male heirs, allow women to share indifferently. Jewish law accepts daughters and their descendants as heirs in default of sons : failing any children, brothers inherit, but not sisters ; failing brothers, father's brothers, but not father's sisters, and then other relatives in order of nearness. But of course the effect of taking the women, in each generation, in default of men, is to enable a brother's daughter or grand-daughter to exclude a sister's son or grandson, which is just the opposite of Lycian and Nabatæan usage. Old Syrian custom would appear from the law-book to have been originally of this type, modified latterly by Greek and Roman influence.

Attention has already been directed [1] to the survival of at least one trace of archaic custom in the text in question, in the paragraph forbidding compacts of brotherhood, which entail community of property and earnings, on the ground that wives and children cannot be possessed in common. The editor observes truly that, "As a rule, a thing is only forbidden when actually met with in life or attempted," and we have the less hesitation in recognising traces of the archaic system of female descent in the law of inheritance when we find domestic communism of the Nair or Nabatæan sort subsisting at this date among some section at least of the population.

[1] Robertson Smith. *Marriage and Kinship in Early Arabia*, p. 135.

## CHAPTER VIII.

### *ANCIENT ARABIA.*

THERE is one point of resemblance for the historian between Arabia and China, for in both we see the still natural and spontaneous survival of national life and habits which have endured, without essential change, for something like four thousand years. Arabia is even the more valuable monument of the two, for Chinese conservatism, as will be seen, does not exclude a slow and gradual evolution, while in the more secluded parts of Arabia, the most civilized tribesmen are still, so far as we can judge, at exactly the same level as the majority of their ancestors four thousand years ago.

All travellers insist on the exhilarating qualities of the desert air, and on the sanitary influence of its intense dryness. The carcasses of dead camels dry up innocuously by the wayside; the Arab tent is innocent even of fleas;[1] at Sana, nearly in the same latitude as Senegal, the mediæval geographer, Hamdani, recorded as a marvel that meat would keep good for three or four days in the butchers' shops; and, in general, the Bedouin are exempt from all those human ills which modern science traces to the multiplication of microbes in damp-bred decay. Life in pure, dry air, such as desert tribes enjoy as fully as Alpine mountaineers, conduces to the vigour of the race, which does not depend for its vitality on renewal from without; while the increase of population, for which there is no room at home, overflows sometimes in the shape of conquering hordes, sometimes in a more pacific, perennial stream of emigrant traders. The Arab does not change at home, because men of his race carry with them from the desert a physique that fits them for a kind of roving dominion over nearly half the globe, and because such roving has been a habit with them since before the dawn of history.

The remains of primitive, archaic custom to be met with in South Arabia and the parts of East Africa colonized from thence are presumably earlier than the similar remains to be found west of Syria and Asia Minor. If Egypt was settled by a people proceeding from Babylonia or any adjoining part of Asia, by way of the Persian Gulf and the Red Sea, it is certain, *a priori*, that such a people could hardly fail to touch, on their way, and leave settlements at various points on the coast of Arabia. Yet it would have been thought rash to claim, without positive evidence of any kind, an antiquity of over 3,000 years for imaginary kingdoms in Oman, Hadramaut, and Yemen.

[1] This praise does not extend to Yemen, according to Mr. Harris: *A Journey through Yemen*, p. 205.

The earliest record which confirms the argument from the nature of things is a Sixth Dynasty Egyptian inscription, which refers to a Fifth Dynasty expedition to "the Land of Pun," whence a Denga dwarf was brought back for King Assa.[1] And it shows that already the east coasts of the Gulf of Aden and the Red Sea, opposite the south-west corner of Arabia, had begun to receive the stream of population from the Arabian peninsula, which has flowed almost continuously ever since.

The precise character and affinities of the earliest Arab population is to a certain extent an open question; and it is not very material whether they are described as pre-Semitic or proto-Semitic, or even whether they are called Semites, Hamites, or Cushites, provided it is understood that the Semitic type of language originated with them, presumably soon after the ancestors of the Egyptians had carried off to Africa their less developed but kindred form of speech. Professor Hommel divides the Semites into two branches: those of Babylonia and Assyria and an earlier Syro-Phœnico-Arab branch, the earliest member of which, necessarily, stands nearest to any common ancestry, which may connect it either with Hamites or the primitive stock of Central Asia represented by the Sumerians. Some Semitic scholars are disposed to derive Chaldæan civilization from South Arabia, among other reasons, because Ea, the Babylonian culture god, is a water deity, whose sanctuaries were placed upon the Persian Gulf. But Ea's wateriness might be explained as elemental rather than geographical, or, even if geographical, might only mean that the primitive Tatar stock had found culture when it descended to the river mouth. Any way, the men who invented writing must be regarded as the true founders of primitive civilization; and Babylonia and Egypt not only developed their several systems before South Arabia, but the latter was—so far as we know—somewhat tardy even in borrowing the characters in which the earliest South Arabian inscriptions are written.

## § 1. The Kingdoms of Ma'in and Saba.

Until recently the so-called Himyaritic inscriptions, found in Yemen and Hadramaut, were all supposed to begin at about the date of the Assyrian inscriptions which mention conquests in Arabia; and the kings of Saba and Ma'in were supposed by the chief authority on this subject[2] to have been rivals and contemporaries. With much industry and ingenuity, Professor Müller arranged the thirty-three kings of Saba and the twenty-six of Ma'in, whose names were known a dozen years ago, so far as possible, in genealogical order and chronological groups; and the greater part of this work stands good, though his estimate of the relations of the two kingdoms must be revised.

The inscriptions brought from Northern Arabia by Euting, in 1884,

[1] See *ante*, p. 22 n.: his function was to "dance the god" (? Bes).

[2] *Die Burgen und Schlösser Südarabiens*, by D. H. Müller (published originally in the *Sitzungsberichte d. Phil. hist. Classe d. kais. Akad. d. Wissenschaften*). Wien, vols. 94, 97 (1879, 1881).

besides those of the Nabatæan period to be discussed later, included some in the Minæan character and dialect found at El Ala—about half-way between Teima and Khaiber, somewhat to the west of both. This evidence of the wide range of the Minæan power remained simply perplexing till Dr. E. Glaser, the most enterprising and successful collector of Arabian inscriptions, was enabled to correct and supplement Müller's grouping of the Sabæan kings by the discovery that the Minæan inscriptions, as a class, were older than those of Saba, and that, in fact, the two sets of inscriptions only overlapped during the fall of the kingdom of Ma'in and the rise of that of Saba.[1]

The main arguments, derived from the inscriptions themselves, for regarding the two periods as successive are that the dialect and character of the Minæan ones is the more primitive; that, with few exceptions, neither series contains mention of engagements with or victories over the other; that the inscriptions of each are found in the midst of territory which, according to every geographical probability, must have belonged to the other; that the gods regularly invoked are entirely different in the two sets; and that none of the Minæan inscriptions are dated (except by eponyms), while many of the Sabæan ones are dated by an era beginning, most probably, 115 B.C. Minæan coins, again, are unknown, while Sabæan ones, beginning with the 5th cent. B.C., are fairly numerous.

Inferences favourable to the same view may be drawn from the silence of other authorities; thus the Minæan names of places are unknown to Arab literature and tradition, while those of most Sabæan cities are preserved, and early Arab poets illustrate the fugitiveness of earthly greatness by the ruin which has overtaken those mighty places and their lords: "Who is safe against the changes of destiny, after the kings of Sirwah and Mareb?" Ælius Gallus again, though passing through *Minæan* country, is said to destroy *Sabæan* towns. Other classical writers speak rather of a Minæan country than a Minæan kingdom, and the only serious argument on the other side—that Eratosthenes speaks of the Minæans on the Red Sea, whose chief city is Karna, as being under kings, like the Sabæans and other chief nations of Arabia—is met by Dr. Glaser, who observes that the districts where Minæan inscriptions abound are in no sense on the Red Sea, but in the Djauf country; and it is a fair inference

[1] The latest literature on this subject is virtually inaccessible to English readers, as it consists of a pamphlet of 100 pages by Dr. Glaser, printed for private circulation, containing the first six chapters of the first (historical) volume of his *Skizze der Geschichte und Geographie Arabiens von den altesten Zeiten bis zum Propheten Muhammad*, of which the *second* volume (on the geography) was published in 1890: of a review of this work by Prof. Fritz Hommel, reprinted from the *Allgemeine Zeitung*, No. 291, 1889: and (by the same author), *Aufsätze* and *Abhandlungen Arabische-Semitischen Inhalts.*, 1892. There is a review of Glaser in the *Transactions of the Imperial Academy of Vienna*, by Dr. Mordtmann (vol. 44, p. 173 ff.), but most of the other articles on both sides are somewhat superfluously contentious. I am indebted to the kindness of Prof. Sayce for the use of the first sheets of the historical sketch, and the matter of the following pages is based so completely on the three sources above mentioned that one general reference to them may suffice, though it should be added that they also contain many interesting details scarcely alluded to here. For the bibliography of the subject see *Süd-Arabische Chrestomathie*, Dr. Fritz Hommel, Munich, 1893.

that Eratosthenes' information was second-hand and out of date, seeing that Karnu, the modern Es Souda, which he makes the capital, was, any way, only the third in importance of the Minæan towns, after Ma'in itself and Jathil, the modern Barakis. There is no mention of the Minæans in Assyrian inscriptions, though Assurbanipal, *circ.* 645 B.C., boasts of overcoming Abijateh, king of the Arabians—a name evidently identical with the Abijada of Minæan dynasties; but the Assyrian conquerors are lavish with the title of king in their triumphal tablets, and the earlier royal houses might be represented at this date by chiefs of little importance.

Another negative argument is supplied by the silence of the genealogical table in the tenth chapter of Genesis, where Saba is, and Ma'in is not mentioned, so that the latter was presumably not known in Palestine, either when the passage was first written or when the book was last edited.

The scriptural references to Maonites, or Meunites, have been exhaustively discussed by Prof. Hommel. In Judges x. 12 the Maonites are reckoned among the enemies from whom Jehovah has delivered the Israelites, and the Septuagint has Midianites, an alternative which has some bearing on the question of the *locale* assigned to the Maonites by tradition.

Again, in 2 Chronicles iv. 41, some readings have Meunites for "the habitations" of the Authorized Version, as the people destroyed by the posterity of Simeon. Here, and in subsequent passages, Hommel supposes the chronicler, who writes long after the fall of Ma'in, to introduce an almost forgotten name in order to display his antiquarian learning; but even in Chronicles there is the possibility of early sources being drawn upon, and v. 40 of the same chapter has a curious resemblance to phrases in the 18th chapter of Judges, which is counted among the most ancient passages of that book. The Simeonites, as they went to seek pasture for their flocks, like the children of Dan, when they came "to a people quiet and secure," found "the land was wide, and quiet, and peaceable; *for they of Ham had dwelt there from of old.*" Whatever authority the chronicler followed, it is noticeable that in this place he treats the Meunites as a civilized and pacific stock.

In 2 Chronicles xx. 1, several versions of the text read "certain of the Meunites," instead of "others beside the Ammonites," for the allies of Ammon and Moab against Jehosaphat, and in the same place the Targum has Edomites, and the Septuagint Minæans. In 2 Chronicles xxvi. 7, the Mehunims, also read Meunites, are bracketed with the Arabians of Gur-Baal (Petra?) and the Philistines, subdued by Uzziah; and in the next verse the Septuagint has Meunites for Ammonites, as those who gave gifts to Uzziah when "his name went abroad even to the entering in of Egypt." In yet another passage (Job ii. 11) the Septuagint calls "Zophar the Naamathite," the "king of the Minæans." But when the scantiness and uncertainty of these references is compared with the frequent recurrence of allusions to the Sabæans, it certainly appears that the Old Testament writers knew much less of the Minæans than might have been expected, had they flourished contemporaneously with the kingdoms of Israel and

Judah. There were kings that "reigned in the land of Edom before there reigned any king over the children of Israel;"[1] and in the book of Job, the first spokesman of earthly wisdom is a Temanite, while the Hebrew prophets refer to the wisdom of Edom and the understanding of the mount of Esau as no less notorious than the wealth of Tyre and Sidon. "Is wisdom no more in Teman? Is counsel perished from the prudent? Is their wisdom vanished?"[2] But the communities thus alluded to have left no traces yet discovered in secular history.

On the other hand, the references to some Arab kingdom of Ma'inites are no more likely to be without an historical foundation than the story of the queen of Sheba. The connection between Judæa and Yemen turns upon the fact that the terminus for the land trade of Arabia with the west was situated at Gaza. When that city was in the hands of the Assyrians, an Arabian queen and a Sabæan king sent presents to Sargon, and when it was in the hands of the king of Jerusalem, nothing is more likely than that a queen of Saba sent an embassy with gifts to Solomon. But the Maonites appear in a quite different light, as an Hamitic people of Northern Arabia and the entering in of Egypt, regarded as assailants by the Israelites, because they resist their encroachments, and more or less connected or confused with the Midianites.

In the two versions of the story of Joseph,[3] the wandering merchants who would sell a slave into Egypt are variously described as Ishmaelites and Midianites. Ishmael, as a proper name, occurs frequently in Minæan inscriptions, and, whether it be possible to connect the names of Midian and Ma'in or no, the discovery of Minæan inscriptions as far north as El Ala shows that the influence of the former people extended to the country occupied by Midianites. A very important inscription (Halévy 535) seems to show that Ma'inite enterprise reached to within the frontiers of Egypt. It is one of the few in which Saba is mentioned, and should therefore belong to the latter years of the monarchy.

It records the erection and dedication to the god Attar of a fortified watch-tower, by two princes of Jafan and Daflan, "lords of Sar and Asur, and Ibru-naharan," in memory of their escape from a *ghazu* of Saba and Khaulan upon the caravan road between Mawan and Raghmat; their escape during a war between the lords of the northern and the southern land, and again "from Misru when there was strife between Madhi and Misru," and their safe return within the borders of their city Karnawu. Dr. Glaser and Prof. Hommel independently came to the conclusion that Misru must mean Egypt, and, given the presence of Ma'inites in Midian, it seems a waste of ingenuity to seek for any less obvious meaning. A less obvious but equally probable identification is that of Sar and Asur respectively with the famous Egyptian border fortress Tar, the key of the defences against the desert tribes, and with the Ashurim (Gen. xxv. 3), whom the Hebrew genealogist counts as a son of Dedan.

[1] Gen. xxxvi. 31. [2] Jerem. xlix. 7. Obad. viii. 9.
[3] Gen. xxxvii. 25, 28.

BENGAL SECRETARIAT LIBRARY

The three names go very plausibly together, and if an Egyptian fortress actually was placed under an Arab governor, the phenomenon is only surprising from its date: later history shows us the same stock providing ministers to foreign monarchs and distant countries, as far east as China, and as far west as Spain; and every fresh discovery in the history of these ancient kingdoms only goes to show that their relations were in all ways more modern than has been suspected hitherto. The third name, Ibru-naharan, may be read "the shore," or, "the further bank of the stream," and might refer either to the ancient canal, half-way across the isthmus of Suez, or to either of the gulfs at the head of the Red Sea. Another inscription (Hal. 578) found at Barakis (Jathil) speaks of "Misran and Ma'in of Misran . . . with the waters of them both," as if there were a Ma'in of Egypt, an offshoot from the Ma'in of Southern Arabia, and the littoral rights of the near neighbours may have been defined by treaty. There are other inscriptions referring to treaties of alliance, and praising the observance of agreements.[1]

Too many difficult and doubtful questions are raised by these inscriptions for us to treat anything as demonstrated, except the fact of political intercourse between Egypt and Yemen, and of an alliance between some branch of a Yemenite stock and some ruler (probably, no doubt, a Semitic invader) within the delta of Egypt. The inscription which establishes these facts concludes by invoking Attar of Sarkan, Attar of Jarhak, the lady of Nask, the divinities of Ma'in and Jathil, Abijada Jathi, king of Ma'in, and the two sons of Madikarib, son of Ili Japaa, and the tribes of Ma'in and Jathil; the authors of it, here named as Ammi-sadik, and Sad, and Mainu Misran—a place which thus seems to denote the two lords of Sar, Asur, and Ibru-naharan—place their property and their inscriptions under the protection of the gods of Ma'in and Jathil, and of the kings of Ma'in and Mawan, against whomsoever might destroy or remove the inscriptions.

It is fair to ask—though it might be premature to answer—the further questions, whether Mawan may be the same as the Magan of Gudea, and whether the land of Men, and the people of Mentiu—the Bedouin whose defeat by Senoferu is commemorated in his Sinai inscriptions—have anything to do with Ma'in. It is already clear that the monuments of Arabia promise to do no less than the foreign correspondence of Thothmes and Amenophis, to show that there are still many unsuspected chapters, in the history of the ancient comity of nations, among whom Assyria was the last born and shortest lived.

[1] Hal. 192. *Burgen und Schlösser*, p. 1025. One of the Minæan inscriptions records how Alman, son of Ammkarib of . . . father of Jansil, and Jad-Kuril, and Sadil, and Wahabil, and Jasmail, the tribe of Gabaan, the friends of Abjada Jati, King of Ma'in, founded and built and dedicated (to Attar and two other gods) the whole execution and decoration of six (?) watch-towers and six towers in the walls of the city Qarnu, from the tower which his (?) body guards built to the . . . of the town, etc., as tokens of reverence for Attar, the divine judge. The inscription closes with the thanks of the King and mizwad of Main to Alman "for his faithfulness and adherence to what was agreed (?) towards his god, and his patron, and his king, and his tribe in war and peace."

Thirty Minæan kings' names have been found, and Dr. Glaser's estimate of 750 years for the duration of the dynasty is based on an estimate of 25 years to a reign. It is, however, common for father and son to be associated on the throne, and there are examples of brothers also reigning together or in succession, both circumstances tending to shorten the average duration of the single reign, while in authentic lists so high an average is never kept up for centuries. Against this we have to set the unknown periods occupied by kings whose inscriptions have not been found, and kings who did not set up any, to say nothing of intervals during which no tribal chief was in a position to call himself king. Certain titles, Jati, the Deliverer, Rijam, the Exalted, and others recur in addition to the various royal names, and may perhaps supply a clue to some arrangement of dynasties, while the genealogies of royal houses, found to be successive, might throw light on the length of interregnums, the recurrence of which follows almost necessarily from the conditions of rulership in Arabia.

If Ma'in of Egypt was inhabited from of old by the sons of Ham, the first civilized settlers of Southern Arabia will have had the same descent, unless they were still more nearly akin to the men of Eridu and Sirgulla; and with the latter, the earliest state is the city, under a city king, who worships a city god. But the men of the desert are scarcely, if at all, less ancient than the town-dwelling traders. And, now as then, the oases of size and fertility sufficient to support a large town are separated by such long reaches of barren desert that the trade and prosperity of the city are at the mercy of the desert tribes, who are both more warlike and more secure against attack than the citizens. It is very difficult for a city king to control the desert tribes, while under the protection of a tribal chief, the citizens can go their own way in peace and content. The chief, who receives tribute from a number of cities, is as much of a king as the climate of Arabia can well produce; but personal qualities count for so much in the leadership of the tribes, that authority does not remain long fixed in one house, or localised in one capital. All that can be said is that the chief tribe tends to furnish kings, who choose their capital city from among the chief of those under their protection; while the strength of the monarchy fluctuates with the personality of the ruler, and his success in commanding the loyalty of the towns—and this depends on the completeness with which he can put down unlicensed brigandage by the tribes; while again his command of the tribes turns upon his wealth in peace, and his fortune and audacity in war.

According to Dr. Glaser, the petty chief of the present day who sees his way to a successful *ghazu*, a foray like that of Saba and Khaulan on the caravan road, uses the phrase: "We will make ourselves a little kingdom;" and the ancient princes of Ma'in and Jathil and Saba and Raidan represent the small number of sovereign kings acknowledged by a plurality of cities and tribes. Such rulers as Sayyid Said, Feysul, and Ibn Rashid, whose government has been described by Wellsted, Palgrave, and Blunt, probably give the best idea attainable of the character of early

Arabian kingdoms. As, in the cities of Sumer and Akkad, the king and god of the city were invoked on every contract tablet, so the market women of Riad in the 19th century naturally asseverate to the stranger cheapening their dates: "By him who protects Feysul, I am the loser at that price!" "By him who shall grant Feysul a long life, I cannot bate it."[1]

The earliest Minæan kings bear the title Mizwad, Prince, as the earlier group of Sabæan rulers are called Makarib—apparently from a semi-priestly office.[2] Ma'in is situated in one of the best watered and most fertile districts of Arabia: there are still traces of an ancient network of regular irrigation canals, and an abundant rainfall even now enables three harvests to be gathered in a year. The citadel consists of huge squared stones, laid without cement but perfectly fitted, with towers at intervals. But the general character of the architectural remains of Minæan edifices, as well as the matter of their inscriptions, need not be considered separately from those of Saba. The change of capital does not necessarily imply any greater revolution in Southern Arabia than the substitution of a Theban for a Memphite dynasty in Egypt.

The commercial importance of the earlier stages on the road from the mouth of the Euphrates to the cities of Yemen must have been relatively greatest before the latter reached their prime; and without attempting to date the earliest commercial settlements on the east and south-east coasts of Arabia, it may be said in general terms that it must have been here, rather than in any other land, that "the actual centre of the world's commerce—by which the products of all Southern Asia and East Africa were transported to Egypt and Babylonia, to say nothing of Assyria—was to be found."[3] Long before Tyre and Sidon were thought of, cities for trade flourished upon the gulf of Katar, and the island and bay of Bahrein; and the caravan roads, which still take their start to cross the very centre of Arabia from El Yemamah to the west or north-west, towards Teima, Khayber, or Mecca, all most probably originated when the ports of those deserted shores were filled with sea-borne merchandize. Primitive Arab religion consisted in making pilgrimages to sacred spots, walking round sacred stones or monuments, and burning incense;[4] and the world-wide, immemorial use of incense in religious worship elsewhere must have begun after the colonization of the incense coast of South Arabia. A religious or semi-religious demand, like that of worshippers for incense or embalmers for spices, is the most constant and peremptory of any, as the opening of the caravan routes through Arabian deserts proves. The name of Keturah, the wife who bears to Abraham the eponyms of the great trading tribes of Arabia, means incense. The Midianites[5] and Dedanites, as well as the

[1] *Narrative of a Year's Journey through Central and Eastern Arabia*, by W. Gifford Palgrave, i. 439.

[2] The Sabæan mikrab or makrab means "temple" (cf. the old name for Mecca, Makoraba), and Dr. Glaser proposes to connect all three with kariba, "to bless."

[3] Glaser, vol. ii. p. 85. [4] Osiander, *Z.D.M.G.*, vii. 475.

[5] Hommel notes also the names of the sons of Midian, Epha (Ass. Ghaipa, ? Ghaifa between Mecca and Medina) and Abidah, cf. Abijada, as a name of Minæan kings.

Sabæans, acted as traders on their own account, besides serving, like the modern Bedouin, as convoys and carriers; and it is to stocks of this generation or stratum that the chronicler refers as "sons of Ham" when describing their mode of life.

The inscriptions from Hadramaut, with the exception of the late Sabæan one of Hisn Ghorab, are mostly in the Minæan dialect;[1] and, though as yet Oman has scarcely contributed to the inscriptions, Deecke considers that the differences and resemblances of the "Himyarite" and Indian characters are just such as to demand a common parentage at some intermediate stage, such as Oman.[2] Dr. Glaser's estimate of the antiquity of the Minæan monarchy thus harmonizes with every consideration of outside probability, and it must even be exceeded to allow of the "land of Pun" being settled before King Assa's day, from South Arabia in the Minæan age, just as Abyssinia was settled in the age of Sabæan kings. The ebb and flow of power and population has repeated itself with singular monotony, and the fuller light now thrown on the history of Saba has a double value as illustrating the degree of intercourse with its nearest neighbours by sea and land, which South Arabia probably kept up before Saba became a kingdom.

The longest of the inscriptions found is one, not yet translated (Gl. 1000), which commemorates the final victory over Ma'in of a Sabæan makarib, Karibail Watar, after which the Sabæans begin to take the title of king. Some of the principal monuments of Sirwah and Mareb were erected before his time, and the peculiar characteristics of South Arabian fortification and architecture were already developed. Wellsted's description of the Nakb el Hajar fortress, being accompanied by a sketch, is still the most instructive,[3] and the Hisn el Ghorab and other inscriptions, which mention all the several portions of the forts erected by their authors, show that the same type was habitually followed.

The Nakb el Hajar is a large hill fortress between 40 and 50 miles from the coast in the west of Hadramaut, a district which may well have been densely populated in the past, as Wellsted counted 30 villages in the space of 15 miles. A wall between 30 and 40 feet high is carried round the hill at about one-third from the base, guarded by square towers at equal distances. There are only two entrances, opposite each other on the north and south, flanked with towers, 14 feet square, on each side. The space between these, forming an oblong platform, was roofed with large flat stones; and as no trace of steps could be seen, it is possible that the interior was approached only by removable ladders. The walls consist of carefully hewn marble; the lower slabs 5 to 7 ft. long by 2 ft. 10 ins. to 3 ft. thick and 3 to 4 ft. broad, the size of slab decreasing towards the top, so that the thickness of the walls decreases from 10 to 4 ft.; within the walls an oblong temple, with walls 27 and 17 yds. respectively in length, also remains.

[1] *Z.D.M.G.*, xxxvii. 392. [2] *Ib.*, xxxi. 612.
[3] *Travels in Arabia in* 1835-6, by Lieut. S. R. Wellsted. 1838.

Somewhat further west, between Haura and Makalla, are the remains of Hisn Ghorab, with an inscription dated 640 of the unexplained Sabæan era, and probably about 525 A.D., which records, not the erection but the occupation or garrisoning[1] of the city or fortress Mawijat, "its walls and cisterns and approaches" (or ascents), on occasion of some conflict between Himyarites and Abyssinians. Wellsted, the discoverer, describes the tower on a height, with houses round, tanks excavated in the solid rock and cemented inside, and the approach by a path hewn in the rock and only wide enough to admit one person at a time. The standing features of the Arabian stronghold are these: a naturally isolated rocky elevation with a surrounding wall, water cisterns, a steep and narrow approach, a level, oblong platform, a gallery or passage between wall and parapet, and a temple within the walls. Such works could not of course be executed in a sudden emergency, so the inscription must refer to a particular defence of an old, and perhaps long-disused stronghold.

At Neswa, or Nizzuwah, in Oman, Wellsted found a circular fort of which the structure is the more interesting because it is possible to see in it the germ and explanation of the platform so frequently mentioned. The diameter of this fort was estimated at nearly 100 yards, and to the height of about 30 yards it had been filled up by a solid mass of earth and stones; seven or eight wells had been bored through this, "from several of which they obtain water,"[2] using the dry ones as magazines; the total height is about 150 feet, and the traveller, who rightly judged the work to be "of considerable antiquity," declared it to be almost impregnable, except by starvation or mining, since even artillery could make little impression on a building that was, so to speak, all wall. The conception seems to be the same as in the case of the nuraghs, only carried out on a much grander scale. Hamdani speaks of the paved terrace of the castles, worn by the feet of many years; and his account of the traditional marvels of Ghoumdan, the ancient fort of Sana, almost tempts us to conjecture that the Arabian fort was an adaptation of the zigurrat or step pyramid idea, as the nuragh may have been a feeble survival or copy of the Arabian fort. There were twenty stories or terraces, with a space of 10 ells between each storey, in this building, said to be the most ancient in Yemen; and its four faces were built of red, black, green, and white stones respectively.[3]

Sana is watered from Shibam, a mountain at twenty-four hours' distance, with streams springing from the rock. The same writer describes the hollows in the rock and "terrible castles" thereon; there is only one gate in the wall, approached by a road, zigzagging up the mountain, hewed alternately like a ladder out of the living rock and built up with stones, carried by bridges or vaults over clefts, the ascent from the foot to the citadel taking three hours. Some special sanctity evidently attached to paved ways between town and temple; the town of Taiz, which is surrounded by pre-Islamitic remains,—a staircase of well-hewn stones without

[1] *Z.D.M.G.*, xxxix. 230. Glaser, i. 7. [2] *L.c.*, i. p. 121.
[3] *Burgen und Schlösser*, p. 352.

cement, watercourses, etc.,—has a paved road leading from the chief gate to the plain of Taiz, and the modern Arabs curse the infidels as they pass it.[1] And a still more curious parallel to Leuco-Syrian custom is furnished by an inscription of Karibail the Wise, son of Jataamir, telling how he extended the city of Nask by "sixty measures of length to these divine images."[2]

The elliptical temple at Mareb, called by the Arabs Haram Bilkis, also has gates on the north and south only, which leads Müller to speculate whether the whole enclosure at Nakb el Hajar was of a sacred character; but, as he truly observes,[3] *Raubritterthum* and *Priesterthum* were so closely associated among the early Arabs that it is difficult to distinguish between martial and sacred uses. Minæan inscriptions show that city walls were mainly built with temple funds. The city god was no doubt considered to be interested in the safety of his town, and so forts were built in honour of the gods and with temple revenues, as well as from tithes and taxes, or the offerings of loyal subjects, while priests as well as princes build walls to be dedicated to the gods.

Jedail Dirrih, the son of the first makarib, is the first of the Sabæans to whom great works can be assigned. He built a wall round the city of Mareb, and the size of this earliest enclosure points to a town of already ancient standing. He began the Haram Bilkis, and surrounded Awwam, a sanctuary frequently mentioned in the inscriptions, with a wall, sacrificing to Attar and invoking the protection of Almakah; he also built a fortress Jasbum and the great temple of Almakah at Sirwah: the latter probably was undertaken first, as it was finished, and the Mareb temple possibly only begun, by Jedail. Mareb probably succeeded Sirwah as the capital, on account of the barren site of the latter; but even Mareb was unable in its natural condition to support the increased population brought to it by its growing political importance, and hence the necessity for the erection of its famous dyke.

Only three Europeans have succeeded in reaching the spot in modern times—Arnaud, Halévy, and Glaser—the last of whom owed his success at starting to an impression he had succeeded in conveying, that he was employed by the Turkish Government to report on the possibility of restoring the dyke. The work, though finely conceived and executed, was so far facilitated by nature that it cannot rank in point of scale with the irrigation works of Egypt and Babylonia; but in Arabia, where the area under irrigation is generally small, it appeared as wonderful as beneficent. Two mountains, the last eastern spurs of the Yemen range, narrow the valley of the Adana river to 600 paces. In the rainy season the stream, which has many tributaries, is sometimes impassable for two months. The water was held back by a dam of earth faced with pebble, but the existing remains belong rather to the side walls of the lock or sluice gates, which

[1] *Z.D.M.G.*, xix. 236.

[2] *Z.D.M.G.*, xxix. 601. Cf. *ante*, p. 419 n., and *Religion of the Semites*, p. 156. In Canaan "towns were built on rising ground, and the well lay outside the gate, usually below the town, while the high place stood on the higher ground overlooking the human habitations."

[3] *L.c.*, 340 ff. Cf. Hos. vi. 9.

are of hewn stone or masonry. There are two inscriptions on the dyke, by Samahali Jenuf, son of Damarali, and Jethaamar Bajjan, son of Samahali Jenuf. One made the canal or sluice Rahab, and the other the canal Hababidh; every temple, watch-tower, or fortress of Minæans and Sabæans had a proper name, and canals and tanks were christened in the same way by their founders, as the gates, canals, and statues of Babylonia and Egypt were. The inscription of Jethaamar seems the elder, so Dr. Glaser supposes there to have been two Samahali Jenufs.

Probably not very long after the lower parts of the temple were erected by the Makarib Jedail Dirrih, an Ilsarh, king of Saba, son of Samahali Dirrah, king of Saba, dedicated the whole "filling up" of the Haram Bilkis to Almakah (Gl. 485, Arnaud 55). And if this Samahali Dirrah is identical with . . . ali Dirrah, Makarib of Saba and son of the Makarib Jedail, he would be the last Makarib and first king. His successor Ilsarh is succeeded by his brother, Karibail, who may or may not be identical with the Karibail Watar of the great Sirwah inscription. An apparently ancient boustrophedon inscription favours the identity, but in all these genealogies there are chronological difficulties which would be most easily cleared up if fresh discoveries showed the same name and title to be repeated in different generations.

Tafidh, which Dr. Glaser proposes to identify with Sana, is mentioned among the forts which the Makarib Karibail Watar, son of Damarali, "destroyed, plundered, and burnt." The Sabæans drove the lord of Tafidh to the sea coast; but the citadel of Sana—if this be it—was restored by the kings, as it ranks with the temples of Sirwah and Mareb and the mosque Shibam among the best preserved of ancient Arab works. The erection of double bronze doors for the Sarhat of Tafidh is dated in the reign of Wahbil Jahiz, and these gates, which Dr. Glaser believes to occupy their original place, are still in the great mosque of Sana. They belong to the dawn of that extension of the Sabæan empire which showed itself in the claim of the kings to rule over Raidan,—of which the poet sings, "my citadel in Zafar . . . in the green plain, where are eighty dams which bestow streams of water,"—in addition to Saba. A fixed point in the chronology will be established whenever it is possible to identify one of the kings Jethaamar with "Itamara the Sabæan," who paid tribute to Sargon in 715 B.C.

Meanwhile each inscription that groups a few kings contributes to narrow the range of conjecture, and so brings at least negative certainty a degree nearer. An inscription found outside the Haram Bilkis (Gl. 481, Arn. 56) was set up by a noble priest of the goddess dat Ghadhran, who calls himself vassal (?) of three kings, and dedicates parts of the wall to Almakah in terms similar to those used by King Ilsarh. The priest commemorates the conclusion of peace between Saba and Kataban, after a war of five years, in which the god protected Saba and its tribes. The inscription concludes with invocations of the gods and of four kings,—viz., Jedail Bajjan, Jekrubmalik Watar, king of Saba, Jethaamar Bajjan, and Karibail Watar—always in this order. Another inscription expressly calls Jedail

Bajjan a son of Karibail Watar, and another names Jedail and Jekrubmalik as reigning together, while the priest speaks of the two latter as his contemporaries, giving the title of king to Jekrubmalik only. This being so, to explain Jethaamar's place in the series, he would have to be an elder brother of Jedail reigning between Karibail and him; this view presupposes the abdication of the title of king by Jedail in favour of a son or younger brother Jekrubmalik. Perhaps the true explanation may be simpler, but any way we have four reigns during the life of the priest.

Dr. Glaser identifies Jethaamar Bajjan with Itamara, and counting in all forty generations of kings of Saba, and Saba and Raidan, before the date 300 A.D., he makes the first Sabæan king begin to reign about 820 B.C. According to the same system of calculation, the seventeen kings (in fifteen generations) of Saba only, would reign to about 440 B.C., or to within a couple of centuries of the date of Eratosthenes. Himyarite coins begin in the 5th cent. B.C., and testify to a degree of intercourse with Europe, which would have enabled European writers, who went to the right sources, to obtain tolerably accurate information.

The imitation, which seems so unmotived, of Athenian owls in the coinage of Southern Arabia, shows exactly how far the intercourse extended.[1] During the maritime supremacy of Athens (465–412 B.C.) Athenian money reached Egypt in exchange for corn, and Gaza in exchange for Arabian spices and general Oriental produce, and hence it came to be known throughout Arabia. Oriental imitations have been found, probably as early as Alexander, whose coinage is imitated in a tetradrachm, with a Himyaritic inscription, of a King Abijatha.[2] Silver coins with Himyaritic characters have been found both at Mareb and Sana, but the native manufacture was mainly developed later.

In 167 B.C. Delos was made a free Roman port, under Athenian administration, and after the humiliation of Rhodes, in the third Macedonian war, and the destruction of Corinth (146 B.C.), it became the chief centre of Oriental trade. The Phœnician guild of merchants and shipowners, under the protection of the Tyrian Herakles, has already been mentioned; and by this route Athenian tetradrachms again found their way in quantities to Gaza. After 88 B.C., when 20,000 of the inhabitants of Delos were massacred by the fleet of Mithradates, the supply of Athenian coins must have fallen off, and the kings of Yemen had to make reproductions of them as best they could. It is particularly curious to note how, in the ruder coins, little is left of the owl but its eyes, which sometimes seem about to develop into two heads, the artist evidently having no idea of what his original was intended to represent.

The Periplus (which Dr. Glaser believes to be later than 56 A.D.) says of a Himyaritic King Charibael that he showed himself "a friend of Roman emperors by continuous embassies and presents," and we cannot understand the place of Arabia in the Old World until we realize that her princes were connected "by embassies and presents" with the great powers of earlier

[1] W. B. Head, *Numismatic Chronicle*, xviii. p. 273 ff. [2] *Ib.*, xx. p. 303.

ages also. South Arabia seems to have had no art of its own, but its monuments show the sources from whence it might have borrowed. Out of a very few specimens of graphic art, we find sphinxes of mixed Egyptian and Assyrian type, like those of Cappadocia,[1] and a lion and palm tree on a reversed cone.

The matter of the inscriptions, apart from their historical interest, is monotonous but characteristic. The King Karibail Watar, already mentioned, appears in one of the longest of the miscellaneous inscriptions, which is given in full by Glaser.[2] It is a dedication of lands and temples, originally received in grant from Karibail, and it conveys an impression that titles to land, or indeed to any kind of property, must have been extraordinarily complicated by the degree of joint family and tribal ownership which appears to have prevailed. In general, the gods are entreated to grant male children and protection for self and family, property or buildings. Votive tablets commemorate escapes, *e.g.* "When the Sabæans and other warriors attacked the (Minæan) founder of the inscription in the house of Ben Saoufan;" and, as the modern Bedouin vow to kill a sheep if they escape from an impending fray, their ancestors sacrificed sheep—as many as forty on one occasion—to commemorate similar mercies. One inscription prays that ground may bring forth forty-fold, another gives thanks for a victory and the torture of able-bodied enemies; and another for several victories, enemies slain and rich booty.[3] Some of them are set up by women; in one the founder mentions "his heiress Kasabeh . . . and the son of the possessoress of the property,"[4] and in some the descendants give a female name in their genealogy. Prof. D. H. Muller notices in the Minæan inscriptions the frequent mention of the "daughters" or women of Ma'in, and in one case "the women and the two elders" of a tribe are mentioned as bestowing gifts; while "the Minæans and their daughters" are named several times as bringing sacrifices in rich abundance to the god Attar.[5] The proposed translations of the Nakb el Hajar inscription vary considerably. One makes a son and another a daughter of the founder bear the title "Stadtholder of the Wadi," while others read that the building was made by So-and so, beyond the points to which the sons of somebody else had built. It would, therefore, be premature to build any conjectures upon merely possible renderings.

Commercial considerations had much to do with the internal politics of South Arabia. Eratosthenes describes the four greatest peoples on the exterior of Arabia Felix as the Minæans on the Red Sea, whose chief town is Karna; their neighbours, the Sabæans, with the capital Mariab (the Sabæan kings are sometimes called kings of Marjab, *i.e.* Mareb, in the inscriptions); the Kattabanians on the Arabian Gulf, whose royal seat is called Tamna; while towards the east are the Chatramotitæ, with the city

[1] At Amran, near Sana; for accompanying inscriptions see Osiander, *Z.D.M.G.*, xix. pp. 160, 177.
[2] *Skizze*, ii., p. 304.
[3] Jos. Halévy, *Etudes Sabéennes*, *Journ. Asiat.*, 1873, p. 404 ff.
[4] *Z.D.M.G.*, xix. 225. [5] *W. Z.f. d. K. d. M.*, vol. ii. (1888), p. 8.

Sabota (Hadramaut and Sabwat). "All these places are ruled by kings, and are flourishing, adorned with fine temples and castles." Ma'in, the real capital of the ancient Minæan kingdom, must have ceased to exist before the time of Eratosthenes (276–196 B.C.); but the information of foreign geographers, though apt, as we often have occasion to observe, to lag a few centuries behind the facts of history, is not altogether untrustworthy on that account, as it is only conspicuous names and facts that emerge from the natural filter of forgetfulness.

Dr. Glaser considers the Gebanites and Kattabani to be identical with the Himyarites, in the south-west corner of Arabia, between Bab el Mandeb and Taiz. Müller thinks that Gabaan may have been a family rather than a State, perhaps a family privileged to "collect" incense. According to Pliny, collected incense was brought to Sabota (Sabwat, capital of Hadramaut), made to pass through Gebanite country (capital Thomna), whence sixty-five camel stations lead to Gaza, through the kingdom of Saba;[1]—the route being selected to give each people in turn the profitable business of providing escort and carriers for the caravans. The Kattabani were friends of the Minæan, and hostile to the Sabæan kingdom, and Hadramaut was more or less subject first to one and then to the other. Only nine princes, priest kings or kings of Hadramaut, are named during the long period between the Minæan period and the absorption of the province by Saba, *circ.* 300 A.D. But the country has been very imperfectly explored, and a rich harvest may be expected, since Dr. Glaser has actually succeeded in teaching the Arabs to take "squeezes" for him of inscriptions in districts inaccessible to Europeans, and Mr. Bent also proposes to spend the winter between Oman and Hadramaut.

Among the inscriptions recently copied by Mr. Bent in Abyssinia, are some of extreme brevity, and apparently unimportant in subject, which, however, are of great interest, as the forms of certain characters and the boustrophedon style of writing enable Prof. D. H. Müller to identify them as belonging to the earliest period of the Sabæan power, the age of the Makarib or priest kings. These inscriptions were found at Yeha, the site of an ancient temple and sacred grove, somewhat west of the later capital, Aksum, in the heart of a country showing traces of ancient cultivation exceeding anything that the traveller had ever seen in Greece or Asia Minor,[2] the terraces extending almost to the mountain tops.

The style of the principal buildings, and the indications of the worship for which they were designed, agree closely with those of Southern Arabia; and the permanent character of the Sabæan colonies in Abyssinia is shown by the massive irrigation works on the plateau of Kohaito towards the coast, even more than by forts or temples. A city 7,000 feet above the sea, which Mr. Bent plausibly identifies with the Koloe of the Erythræan Periplus, is provided with water by a dam of masonry 73 yards in length, converting a natural hollow into a lake, half a mile in circum-

[1] *Hist. Nat.*, xii. xxxii., § 5.
[2] *The Sacred City of the Ethiopians*, p. 135. Cf. W. B. Harris: *Journey through Yemen*, pp. 230–2.

ference, and, of course, recalling the celebrated dyke of Mareb.[1] These works belong to the period when Yemen was only, as it were, the head-quarters of an energetic trading race. It is the period when, according to the Periplus,[2] Arabia Felix received its name from the wealth and prosperity of the city which received the goods exported from the east and west, before other people had begun to sail straight from India to Egypt, and from Egypt to distant places.

The contemporary Assyrian references to Arabian princes begin towards the same time, *i.e.* after the decline of Ma'in, and in the earlier days of the Sabæan monarchy. In 738 Zabibija, a queen of the Arabians, is mentioned as sending tribute to Tiglath-Pileser III., and two or three years later, her successor, Queen Samsi, who also pays tribute to Sargon, was defeated, deprived of her camels, oxen, and spices, and pursued to her fastness, "in a place of thirst," where her camp and her people were overthrown. The other names mentioned in the account of these campaigns show that Samsi must have reigned somewhere between Teima and Medina, "on the borders of the lands of the west," which "no man knows, and which are in a place that is far off." Senacherib also carried off an Arab princess from the fortress Adumu (? Petra) to Nineveh, and Esarhaddon boasts of slaying eight princes of the land of Bazu, the Biblical Buz, still in the north-west of Arabia, two of whom are the queens of Dikhrani and Ikhilu. The seventh campaign of Assurbanipal was directed against a newly made king of Arabia, who, relying on an alliance with Natnu, king of the Nabatu, "whose place is far off," broke his oaths of allegiance, was defeated, and carried captive with his women.

Dr. Glaser is inclined to identify these Nabatæans with the Aramæan Nabatu of Tiglath-Pileser, rather than the Nabiate of the earlier cuneiforms; but their migration must have been accomplished before the 7th cent. B.C. Whatever the exact date of their settlement, it may be doubted whether any migration of this late date would materially alter or affect the character of the population; and all that we learn of the later Nabatæans harmonizes with what we should expect to find true of the kingdoms of the south and west.

### § 2. The Nabatæans.

Strabo counts the Nabatæans as well as the Sabæans among the inhabitants of Arabia Felix, and describes the marriage customs of the country in the following terms: "A man's brothers are held in more respect than his children. The kingship also and other offices of authority

[1] *L.c.*, p. 218. Another resemblance noted by Mr. Bent (pp. 180, 188) may, as he says, "only be a coincidence to which no value need be attached." Yet it is certainly strange to find the decoration of the monoliths at Aksum reproducing that on tombs in the south-east of Asia Minor and Syria, and especially the stone imitation of timber work, characteristic of Lycia and Cilicia. These traits are not characteristic of South Arabian architecture, neither are they likely to have been introduced by *late* Greek influence. Early intercourse between Arabia and the earliest so-called Ionic cities of Asia Minor is presupposed in some legends mentioned below, for which the coincidence may, perhaps, bespeak an additional shadow of consideration.

[2] § 26. A German translation, with notes, was published by "B. Fabricius."

are filled by members of the stock in order of seniority. Property is common among all the relations. The eldest is the chief, and there is one wife among them all." He adds, "Trades are not changed from one family to another, but each workman continues to exercise that of his father;"[1] and in another place describes the succession to the throne as not passing from father to son, but to the first son born in a noble family after the king's accession. He does not expressly mention the transmission of property or the counting of descent in the female line, but we have better authority than his somewhat confused reports, for a close approximation to Lycian customs among the Nabatæans, in the funeral inscriptions recently translated by MM. Renan and Euting; and since there is less room for misunderstanding as to the visible external fruits of the national organization, than as to the peculiarities of family law, we may accept the rest of his account of the manners and customs of the people without mistrust.

Strabo says of Petra, the capital of the Nabatæans, that it has excellent laws for the administration of public affairs; the king is of royal race, but frequently renders an account to the people of his government, and inquiry may be made by them into his mode of life; a minister who is called "brother," and is chosen from the "companions," is associated with him (like the quasi-king or high priest of the Leuco-Syrians). Strabo's friend, Athenodorus, who had visited Petra, said that the Romans and other strangers settled in the city were frequently engaged in litigation with each other and the natives, but that the latter "never had any dispute among themselves, and lived together in perfect harmony." The geographer adds other traits. The houses are sumptuous and of stone; the cities without walls, on account of the peace which prevails. The Nabatæans are prudent, and fond of accumulating property. The community fine a person who has diminished his substance, and confer honours on him who has increased it; they have few slaves, and either serve themselves and each other or are waited on by their relations. They eat their meals in companies of fixed number (like the men of Crete, Sparta, and Œnotria), each attended by musicians, and (as in ancient China) the drinking of a prescribed number of cupfuls was a feature in the ceremonious entertainments given by the kings. Herodotus also observes, concerning the Arabs generally, that they observe contracts with a fidelity unknown to other nations.

The Nabatæan inscriptions recently obtained by Messrs. Doughty, Euting, and Huber all belong to the first century, before and after Christ, and the majority of them to the reign of "King Haritat[2] who loves his people" (B.C. 9–39 A.D.), a designation which accompanies the king's name in all but the very first inscriptions of his reign. They make it plain that property in tombs was considered of the utmost importance, and was secured by written deeds of various kinds, the provisions of which were enforced by appeals to the gods and the king to execute

[1] Strabo, xvi. iv. 21, 24, 25.

[2] Cf. 2 Cor. xi. 32.

judgment on all violations of the owners' rights. And they also show that this very highly esteemed kind of family property was vested more often than not in the women of the family, and that it was transmitted by preference in the female line.

Out of twenty-six funeral inscriptions translated by Euting,[1] six describe the grave in question as built by So-and-so, son of Such-an-one (the grandfather is also mentioned occasionally, but not always), for himself, his children, and their descendants, and no one else, save such as may be authorized by deed, under the owner's hand; and the curses of the gods are invoked against any one who sells, pledges, gives or lets or executes any deed in contravention of the above restrictions for keeping the grave inviolable and sacred. The imprecations are the same in all classes of inscription, and in a few there is provision also for the payment of a fine to the king.

Three inscriptions are exactly parallel to the above mentioned six, save that the grave is described as belonging to a woman—daughter of such a father or such a mother—who has built it for herself, her children, and their descendants. Seven graves bear the names of men, but reserve a place for mother, wife, or sister, in addition to their own children; while in one a similar reservation is made on behalf of a brother, apparently an absent merchant, probably married abroad, whose children would naturally be buried among their mother's people. Three belong to women and are destined to daughters and daughters' children, or to sons and daughters and the children of the latter. Five belong to men, for their children, to whom wife, mother, or sisters are sometimes added, but with a similar reservation to the daughters' children. One of the most interesting is made by a man for himself and for his daughter, and her sons and daughters, and the *children of her daughters*. She and her sons are expressly forbidden to sell, let or assign it, but it is to remain for an everlasting possession to the descendants thus indicated in the female line, perhaps the most ancient example of so complete an entail. In one case, the man who owns the tomb assigns it absolutely to his wife to do as she pleases with; and in one we are told that it is built by a husband and wife for two brothers of the latter, and it is explained that one-third belongs to the husband and two-thirds to the wife.

In other words, twenty out of the twenty-six inscriptions give a more or less marked preponderance to the proprietary rights of women. Natural relationships are not ignored, and husband and wife, mother and son, father and daughter expect to share the same grave; but so far as the tomb is an heirloom, intended to pass to future generations, it is a daughter's granddaughters who are considered to maintain the continuity of the family line.

[1] *Nabatäische Inschriften aus Arabien*, Berlin, 1885.

### § 3. Bahrein, Sokotra, and the Sea Trade.

After Strabo's account of the Nabatæans, the most suggestive contribution to the history of Arabia from without is that of Diodorus, which in times past has been made the subject of much controversy and scepticism. According to him there lie over against the utmost point of Arabia Felix many islands, "Holy Island" producing frankincense, where it is unlawful to bury, and two others, one seven furlongs off where they bury, and one running so far to the east that India itself may be seen like a cloud from it.[1] The chief of these islands is called Panchæa, the natives of which sell their produce to Arabian merchants; people from the west and Indians, Cretans and Scythians also dwell there. The chief city is called Panara, sacred to Jupiter Triphylius, and is governed by a democracy without any monarch. The magistrates are elected annually, and weighty matters are referred to the college of priests: the temple is sixty furlongs from the city.

Details respecting the splendour and fertility of the country are given after Euhemerus, which has increased the disposition to regard them with suspicion. The nation is divided into three parts: the priests and artificers; the husbandmen; and the militia and shepherds. The priests govern all, and have power and authority in all public transactions. The husbandmen and herdsmen bring everything into a public stock, there being nothing appropriated save a house and garden to each. All the revenues are received by the priests, and they "justly distribute to every one as their necessity requires." The soldiers defend the country. There are mines of precious metals which it is forbidden to work for export. They dress luxuriously in fine wool, with white linen for the priests and golden ornaments. There are words like Cretan in the language, and the people entertain Cretans hospitably from a tradition of ancient kinship.

It is impossible not to be reminded by all this of the sacred cities of the Leuco-Syrians; of the communism of the Spanish Iberians, and the class divisions of those of the Caucasus, as described by Strabo; of the Carian temple of Labranda, with its sacred way, and of the Carian Jupiter, common to the Carians, Lydians, and Mysians; and of the Egyptian and Babylonian habit of regarding the priesthood as the depository of civic justice. And, whatever the intrinsic value of the authority quoted for these statements, they are certainly not suggested by any leaning in favour of the particular ethnological classification which they seem to support.

The description of the temple and the sacred fountain deserves to be quoted at length for another reason. Near the temple, we are told, such a mighty spring of fresh water rushes out of the ground that it becomes a navigable river, irrigating all the country near. An even space, 4 furlongs in length and 100 yards wide, surrounds the temple, of 200 yards in length, of white marble with huge statues of the gods; at the end of which the river from the above-named fountain breaks forth, and a

[1] Diod., v. xlii.

most sweet and clear water flows from it, called "the water of the Sun," conducing much to health. The whole fountain is lined on both sides and flagged at the bottom with stones. It is unlawful for any but the priests to approach the brink. All the land for 200 furlongs round is consecrated to the gods, and the revenue bestowed in maintaining the public sacrifices and the service of the gods. Beyond this is a high mountain, whence, according to tradition, Uranus used to contemplate the heavens. It is added that the inhabitants were composed of three several nations, and that there were three principal cities in the island.

It is not always easy to follow the descriptions of Greek geographers, even when dealing with localities frequented by traders of their own race, and confusion was inevitable with regard to the distant coasts of Arabia, for which they depended on reports passing from hand to hand, and varied at each step according to the points on which each inquirer was interested to gain information. We may therefore esteem ourselves fortunate whenever any natural phenomenon, of identifiable singularity, is described, to which a counterpart is discovered by modern travellers; and a plausible identification is not necessarily to be rejected because the ancient description associates features belonging to quite distinct districts.

The island of Bahrein was carefully explored by Captain Durand, and his description edited and annotated by Sir Henry Rawlinson,[1] and it is scarcely conceivable that any island off the coast of Arabia should come nearer to answering, in the matter of its fountain, to the description of Diodorus than this. The island lies in a land-locked bay, which has already been mentioned more than once, as a point of considerable importance in the trade of Babylonia and Arabia. It is thirty or forty miles from the mainland, and resembles Tyre in the springs of fresh water that rise through the brine.[2] There are four springs in the island: the Adari "supplies many miles of date groves through a canal of ancient workmanship, the stone of which in some places is falling in, but which still forms a perfect river of fast-running water, about ten feet broad by two in depth. The spring itself is from thirty to thirty-five feet deep, and rises so strongly that a diver is forced upwards on nearing the bottom. The water, where it rises from the deep spring, whose basin, artificially banked, is about twenty-two yards broad by forty long, is as clear as crystal, with a slightly green tint. . . . It is not perfectly sweet . . . the best drinking water being brought on camels from wells, said to be twenty fathoms deep, in the hills of Rifaa. The water is conducted from these various wells by ordinary unbanked channels, the larger of which have now come to look like natural streams." The Arabs suppose the

[1] *Journal R.A.S.*, April, 1880, p. 189.

[2] Cf. Palgrave's description of the spring of fresh water which gushes up in the sea about sixty yards from shore at low water off Moharrak. He watched the girls of the town "wade out with their pitchers on their heads till they reached a little rock, the landmark of the spring, which pours up from below with force enough to drive back the brackish waves on every side, leaving a large circle of potable water within which the naiads plunged their crockery." (*Narrative*, ii. p. 229.)

water, for which Bahrein is famous, to come from an underground branch of the Euphrates.

The passage from Eratosthenes, quoted by Strabo, which deals with this side of the Persian Gulf, makes Gerrha, on the Gulf of Bahrein, whence Arabian merchandize and aromatics were carried by land, belong to "Chaldæan exiles from Babylon;" while further on, there are islands, "Tyre and Aradus, which have temples resembling those of the Phœnicians," whose cities are claimed by the islanders as their own colonies: and still earlier geographers mention an island Ogyris in the open sea. Pliny mentions an island Tylos, in the same quarter, famous for its wealth in pearls, and with a city of the same name, which is no doubt meant also for Tyros. The name Ogyris is interesting on account of a cuneiform inscription found on the island of Bahrein, which Sir Henry Rawlinson reads as hieratic Babylonian: "The palace of Rimugas, the servant of Inzak, of the tribe of Ogyr."

Of course these passages are relied upon by those who accept the identification of the Phœnicians with the men of Punt, and the traditional derivation of both from the Persian Gulf. And Mr. Bent's examination[1] of two of the innumerable tomb-mounds on the largest island seemed to him to supply further confirmation of this view, as the tombs contained fragments of ivory and pottery, resembling the Phœnician remains found at Cameirus and Ialysus. Thousands of large mounds containing tombs stretch for miles along the south-west side of the island, and testify to its former importance as a Necropolis; but until the mounds have been systematically examined, it is perhaps premature to take them as doing more than give a general presumption in favour of the existence of a real foundation for the kind of relationship reported by the Greeks. The more importance we are led to attach to the earliest kingdoms of the Arabian coast, the less necessary it is to see Phœnicians, in the modern sense, in every trading community engaged in dealings with the Eastern seas. And, at the same time, the more nearly such writers as Strabo and Diodorus come to being well informed as to the character of the Oriental element in the population of these settlements, the more confidence may we feel in the other reports concerning Greek colonies preserved by the same authorities.

Pliny attributes to the Milesians a colony on the west of Arabia, which Dr. Glaser proposes to locate on the Asir coast, between Yemen and the Hejaz; and Diodorus says of the Deba, for whom a similar locality is proposed: "They receive strangers hospitably, if they come from Bœotia or Peloponnessus, because, according to a fabulous ancient tradition, the people have some distant relationship, from the time of Herakles, with them." To which should perhaps be added the remarks of the Periplus on the inhabitants of the island Dioscurides (Sokotra): They are few in number and dwell on the north side of the island facing the mainland; they are immigrants of mixed race, Arabs, Indians, and even some Greeks, come for the sake of traffic.

[1] *Athenæum*, July 6th, 1889.

The island of Sokotra was undoubtedly a point of considerable importance in the earliest trade between the coasts of Asia and Africa; and, while the island of Bahrein contributed some features to the description of the Holy Island, the name Panchæa itself is Egyptian, and, so far as it designated any earthly spot, probably referred to Sokotra. The steps of this interesting identification, to which several scholars have contributed, have been traced by Professor Hommel.[1]

The Thirteenth Dynasty story, of an Egyptian, shipwrecked on an island, the native land of myrrh and incense, whose king is a benevolent snake, speaks of the magic spot as aa pen-en-ka, the Island of Spirits, or Pa-anch, the Island of Life, no doubt with some more or less mythological reference. Both the name Panchæa in Diodorus and the story in Strabo of an island Ophiodes in the Arabian Gulf, famous both for serpents and for topazes, are probably connected with the local traditions derived from the ancient Egyptian tale, or the still earlier mythological conceptions of which it preserves the echo.

There is an apparent dearth of ancient monuments in Sokotra itself, which is perplexing if it was ever an important settlement; it was certainly not used as a common burying place, and it may have been frequented by traders, who, having their homes and graves elsewhere, found its sanctity protection enough to let them dispense with other permanent buildings. Dr. Schweinfurth was struck by the presence in the modern language of foreign elements for which no Semitic root could be suggested;[2] and he observes that the physical type of the natives is much more European than that of the people of any neighbouring countries, whether regarded as Hamites or Semites. But from a want of interpreters he was unable to make much advance towards a knowledge of their habits, beyond the obvious fact that "they always have a stick in their right hand." The only wild pomegranate known is found in Sokotra, a fact which also seems incompatible with any long-continued occupation of the island by a considerable settled population.[3]

Besides the above-named Milesian colonies, Pliny speaks of a Greek Arethusa, Larissa, and Chalcis, which were destroyed in consequence of divers wars: we may ask ourselves whether this Larissa too is a legacy of Pelasgian or Alarodian enterprise, but only inscriptions, like—or not like—that of Lemnos can answer the question. So we may speculate whether the Milesian Ampelones was colonized by a Carian or an Ionian Miletus; but the point cannot be determined in a way that will elucidate other doubtful questions in the history of the city, unless fresh material evidence is unearthed, in the literal sense. Carian graves should be as recognisable now as in the days of Thucydides, and the desolation which for ages has enveloped the neighbourhood of the ancient land of the gods is the most potent agency for the preservation of ancient monuments.

[1] *Inschriftliche Glossen und Excurse zum Genesis, etc. Neue Kirchliche Zeitschrift*, 1891, p. 897 ff.

[2] Glaser, *Skizze*, vol. ii. p. 184.

[3] Westermann's *Illustrirte Deutsche Monatsheft.* Ap. 1891, p. 38 ff.

It is true that the first result of new archæological discoveries is sometimes to raise new problems instead of solving old ones; but it also sometimes happens that one fact has power to confirm or confute more than one set of guesses. And so, every authentic antiquity discovered between the Bahr el Benat and Mashona land may help to determine how much trading enterprise in the eastern seas was Punite, and how much Phœnician; and also how much of the colonizing adventure in the western sea was Phœnician, and how much due to any other pre-Hellenic element, combining devotion to trade and to a god, whose images are like a barbarian Herakles.

The Zimbabwe ruins in Mashona land, described by Mr. Bent, are, in several respects, very like the handiwork of Phœnicians, but in commercial dynamics there is always something to be said for the hypothesis which tracks trade along a line of least resistance. And it would certainly be an economy of enterprise if we can suppose Sofala, the port for the Zimbabwe gold mines, to have been reached by the gradual, natural expansion of a trade along the east of Africa which began with Sokotra and the Somali coast, and went on, as trade that has ceased to improve its markets will, till it reached again something too good to be left. Like most Phœnician settlements, the Mashona land ruins consist of a fortified post, with a temple, the citadel in this case, however, serving to protect a mining settlement rather than a seaport.

The chief ruin is elliptical, 280 feet in length, with walls from 15 to 35 feet high, and from 16 to 5 feet thick. The floor is concrete; the wall of mortarless stone, in places very even and regular, especially on the south-east face, where also there are rows of decorative herringbone. The fortress is built like a sort of maze,—a long narrow passage between high outer and inner walls. One gateway faces true north. The absence of mortar has prevented the destruction of the walls by vegetation, and the evenness of the face suggests that the work was done by men accustomed to bricks: the stones are of irregular thickness, which gives strength to the fabric. There are two round towers, like the nuraghs of Sardinia, truncated cones, of unhewn stone laid without mortar; but the nearest parallel in proportion and position to the supposed temple enclosure is found in a coin of Byblos,[1] which shows a cone facing the temple, and evidently the chief object of worship.

Slighter ruins are scattered around, but no tombs. The hill fortress is crenellated, as it were, with alternate round towers and monoliths, the latter facing the sun at the winter solstice. A narrow slit in the granite of the hill is used for a staircase. Huge walls and zigzag passages of unconjecturable purpose remain. There are pillars with carved birds of the vulture type, and ancient objects of various kinds were found on the north side of the ruins, where the Kaffirs do not dig because of the cold. The limits of the decoration and the position of the towers seem determined by the sun's position, or rather by the incidence of the sun's rays at the

[1] Figured *Hist. of Art*, iii. 60. *The Ruined Cities of Mashona Land.* J. T. Bent, p. 127.

summer solstice. The decoration extends along the part of the wall which receives directly the rays of the sun when rising at the summer solstice: a hill intercepts the sun's rays, but the great tower would catch the sun and a monolith on the wall cast a shadow at this point.

The diameter of the great tower is 17·17 feet (or 10 cubits of 20·62 in.), which is also the circumference of the small tower; and the radius of the curve of the next outer wall is the 10 cubit diameter multiplied by the square of the ratio of the circumference to diameter; and the same fractions and multiples recur all through the building. Another tower marks the position of the sun at the summer solstice. Three of the doorways correspond to the direction of the sun's rising and setting at the summer solstice. The arrangements made for noting the meridian transit of stars would probably date the building sufficiently, for an astronomer going far enough back, and calculating the position of stars known to the ancestors of the builders, who were probably akin to those who built at Mareb and elsewhere in Yemen. Arabian writers of the 9th and 10th cent. A.D. frequently allude to the gold of Sofala, so that the opening of the mines cannot be thrown further back than for the period during which the gold workings could remain profitable.[1]

The extent and antiquity of trade between Arabia and India before the days of Alexander is another question we may be content to pass by, with the observation that, in mere distance, it is as far from the head of the Persian Gulf to Cape Ras el Had, the eastern extremity of Oman, as from thence to Bombay or Sokotra, or from Bombay to the Malabar coast, where the sexagesimal system of notation and other archaic customs meet us among a Dravidian people, who must have learnt or imported them, before the Babylonian notation was abandoned, from regions in touch with those where it had prevailed.

One other curious fact may perhaps have some bearing on the course of ocean exploration in these prehistoric days. Sailors, like merchants, travel along the lines of least resistance, and man is not the only animal of whom the same may be said. Phœnician navigators were said to direct their course sometimes by the flight of birds,[2] and it is a fact that even those birds which accomplish the longest flights and can cross the widest oceans, always select, by what looks like marvellous instinct, the shortest ocean routes. It is only the birds—or the ships—that take the right course who reach land on the other side; but a flight of birds, who know their way, is an invaluable guide to a sailor who has lost his.

There is a kind of falcon which breeds in S. Siberia, Mongolia, and Northern China, that winters in India, and, strange to say, in East Africa.[3] When or why the bird began this practice, not even a geologist can say; but it is enabled to keep it up by the existence of possible stations in the

[1] Cf. *Transactions of Ninth International Congress of Orientalists*, ii. p. 416, for arguments in favour of a date before the Christian era.

[2] Or, perhaps, like the Cinghalese and other navigators in unknown waters, they took birds with them, to let fly when in doubt as to the direction of land.

[3] *Migration of Birds.* Charles Dixon, p. 100, 1892.

Indian Ocean, which, it is plausibly supposed, may represent larger lands submerged in comparatively recent geologic time. Guided by birds, and profiting by their knowledge of the scattered landing-places, it would be possible for a ship belated off the coast of Malabar to make its way from the Laccadive Islands, which must have been touched deliberately, to the Maldives, and then either by the Seychelles and Amirante Islands, or the Chagos Archipelago to Madagascar, or the Mozambique Channel. And it is within the limits of possibility that an adventurous chance of this kind, rather than persistent exploration of the African coast line, may have brought the builders of the Zimbabwe ruins past the mouth of the Zambesi to Sofala.

Wellsted was told of a boat that ran ashore at Sokotra, thinking herself on the African main; and of course the longer the voyages undertaken, the greater the chance of serious miscalculations in their course, leading to distant discoveries. In the 12th cent. vessels from Sohar sailed as far as China, and it is probably no less true of the eastern than of the western seas, that mediæval navigation fell far behind that of the early Phœnician traders in skill and enterprise.[1]

Bahrein and the ports of Oman have retained more of their primitive cosmopolitanism than Yemen; and Palgrave observed at Mascat that the men of Bahrein, there very numerous, stood alone in seeming "to possess the hybrid privilege of mixing with all, while their easy-going, unnational, indistinctive character gives them facility of access"[2] where Jews, Persians, Indians, and Nejdean bigots would fail to find entrance. He calls them "the Maltese of the east," but more amiable, cooler, and more honest. In connection with this appreciation the dictum of the Arab chronologist Ayoob ibn Kirreeyah (*circ.* 700 A.D.) is interesting; when asked, "What are the inhabitants of Bahrein?" he replied, "Nabathæans turned Arabs;" while the further question: "What are the inhabitants of Oman?" produced the response: "Arabs turned Nabathæans." Palgrave considers this Arab use of the term Nabathæan "less national than conventional"—a general denomination for "the various populations inhabiting the regions of the Tigris and the Euphrates;"[3] but the distinction between the men of Oman and Bahrein takes account of the two elements of tradition and observation. And it is possible that the Arabs had certain definite associations with the name, such as prompted the forgery of the "Nabathæan Book of Agriculture," and used it to denote settled and pacific communities, "where they of Ham had dwelt from of old."

[1] Movers, vol. ii. pt. iii. p. 191.
[2] *Narrative of a Year's Journey through Central and Eastern Arabia*, vol. ii. p. 366.
[3] *Ib.*, p. 158.

## § 4. Traces of Pre-Islamitic Custom and Ethics in Modern Arabia.

Marriage and Kinship and the Matriarchate in Ancient Arabia have been made the subject of separate treatises,[1] so that it is the less necessary to dwell on the fact that purely Arab custom has some affinities with the system of domestic relationship specially associated with the earliest civilized race. All technical Arabic words for stock or race, tribe, sub-tribe or the bonds of kinship, like the Chinese *sing*, involve literally descent from the same mother. A good many traditional names of Arabic tribes are female or plural in form, and the actual tribe is held together by the bond of a common life rather than a common descent. The most precious pedigrees of the Arabs are those—not, as we should say, of their horses, but—of their mares: pure blood is always reckoned through the dam, so much so that the phrase, "son of a horse," is used contemptuously to describe an animal that is not thorough-bred.

In mediæval Arab romance the hero is described as one who has "a valiant maternal uncle;" and Lane adds a note to this expression, "for the sake of mentioning that the Arabs generally consider innate virtues as inherited through the mother." Hence the proverb: "They asked the mule who was his father; he said the horse is my *châl*" (or maternal uncle). "God reward (or curse) his *châl*," is a common phrase, and the word may stand for any member of the mother's family group. At the present day, pure descent on both sides is necessary to enable any one to call himself *asil* or noble. And in Yemen, centuries after Mahomet, noble ladies might show themselves unveiled, as an assertion of their rank, or an insult to an assailant, who is of no more account in their eyes than a slave.

As there is no law of descent strict enough to prevent a struggle for power between the most powerful and popular members of the family of a great chief, it is not likely that the queens of Saba, and other ancient Arab principalities reigned in virtue of any strict hereditary claim, like that of the Egyptians. But custom and tradition were in favour of obeying noble women with masterful minds, who were *de facto* possessed of the royal authority. Burton observes: "In the early days of El Islam, if history be credible, Arabia had a race of heroines;" and the independence and influence of women is still greatest in the most remote and secluded parts of the peninsula. The story of the Lady Asma and Queen Sayyidah, which is told in Omarah's *History of Yemen*, may be given partly as a specimen of a class and partly as a pendant to that of Pythodoris and a parallel to a curious Chinese situation, which has a certain tendency to reproduce itself; namely, the establishment of a quasi-dynastic succession by queen mothers and consorts.

Asma was a beautiful and learned lady, whose family asked for her a

[1] *Kinship and Marriage in Early Arabia.* By Prof. W. Robertson Smith, 1885. *Das Matriarchat bei den alter Arabern.* G. A. Wilken.

dowry which only kings could pay, intending her to wed with one of the kings of San'a, or some other royal house. She does marry As-Sulayhi, who raises his standard A.H. 429, and makes himself king of Yemen. She caps Koran verses with her husband, and is celebrated by poets, who sing, "She of the white hands has bestowed gifts." Her husband was slain, and she herself made prisoner on an expedition to Mecca in 473 (1080 A.D.). She is rescued after a year by her son Al-Mukarram, who succeeded to the throne, though his mother still had much to do with the expenditure. Al-Mukarram's wife, the Lady Sayyidah, had been brought up by Asma, and after her death he made over the superintendence of affairs to his wife. She defeated by stratagem and slew the "squint-eyed slave," who had dared to lay hands on her mother-in-law, and on Al-Mukarram's death was sought in marriage by his successor in the office of Dā'y.

She refuses his suit, and an autograph letter from the Imam and the entreaties of her chief ministers are required to induce her to give an apparent consent. A woman was not eligible as dā'y, but the sovereign was the political superior of such an officer, and Professor Robertson Smith[1] points out that Sayyidah is addressed, in another letter, by the Imam as his *Hojjah* or representative in the land of Yemen, one of the four great dioceses of the Fatimite propaganda, so that she was perhaps, in a sense, the ecclesiastical superior of her suitor as well. This dā'y Saba was also remarkable for having but one wife, apart from this political alliance, to whom he was faithful, as Aly As-Sulayhi was to Asma. Their son was married to Fatimah, daughter of Sayyidah and Al-Mukarram, who returned to her mother when he took a second wife.

Saba survived the queen one year, so the feminine dynasty was not a long one; but the character of all these Arab royalties is well illustrated by a story of her government. The Khaulanites and the Banu Zarr revolt against her authority, or at least seize fortresses, while making outward professions of loyalty. The queen sends a letter of a few words, in her own handwriting, to one Amru, of the tribe of Janb, bidding him come with horse and foot and occupy the lands of the sons of Zarr; it was so done, and the rebellious Imram compelled to send and beg for mercy. The queen sent him 10,000 dinars to feed his troops, but the money is returned: "Does she not know what it is that can be of service to me?" Then with her own hand she wrote again to Amru: "On receiving this our command, depart from the country of the Banu Zarr, with our thanks for your services." Before an hour had elapsed, not one of his people remained in the place. "This, by the Lord, said Imram to his brother, is truly (a receiving of) honour and obedience!"[2] But the limits to a power supported by this kind of physical force are sufficiently obvious.

These royal or noble ladies, it will have been observed, claimed the right, or at least exercised the power of divorcing themselves from

[1] *Journal R.A.S.*, 1893, p. 203.
[2] Omarah's *History of Yaman*, tr. by H. C. Kay, 1892, p. 56.

any husband who took a second wife; and the authorities quoted by Chwolsohn [1] are sufficient to show that they were in this only upholding what had formerly been a general national custom. En Nedin (writing about 917 A.D.) says of the Sabæans that they marry before witnesses, not with relations, that the laws for men and women are the same, that divorce is only allowed for infidelity (or grave offences), and that only one wife is allowed at a time. Scharistani, born nearly a century later (1075 A.D.) and thus a contemporary of Sayyidah, repeats in almost identical terms, that marriages are performed in the presence of the father-in-law and witnesses, that divorce is permitted on the decision of an arbitrator or judge, and that men do not take two wives at a time.

In Arabia a woman did not change her kin on marriage,[2] and women of distinction therefore preferred to marry within their own tribe, unless the husband was willing to leave his own kinsmen to join his wife's. The city of Zabid, in Yemen, of which a brother of the Lady Asma was made governor, was famous for the seductions of its women, which caused it to be said that a man should put his camel to the trot if he would pass through unscathed. And Ibn Batuta describes these same women as willing to marry strangers who come to live with them, but they would not go away with their husbands; any child of such a marriage they kept and provided for themselves. The proverb, "It is a bad mother who transplants her son," probably expresses the same feeling against a woman marrying a stranger and going to live with the strange stock, though there was no objection to her marrying the stranger who was received into the tribe. Burton says, "The wild men do not refuse their daughters to a stranger, but the son-in-law would be forced to settle among them."[3] And on the opposite African coast, at the south of the Red Sea, there are communities in which a man joins his wife's tribe.

An old Arabic phrase for the consummation of marriage is "He built (a tent) over her," and besides all these indications of the position of the wife and mother as "lady of the house," women also had anciently the right of divorce and of contracting temporary marriages. A legend is told of one lady, living amongst her sons, who had had forty husbands, from twenty different tribes; and in the time of Mahomet, a kind of marriage contracted deliberately for a limited term or during pleasure, was common. Even as lately as the seventeenth century, strangers or merchants staying in "Sounan, the principal city of Arabia Felix," [4] had no difficulty in arranging marriages for money. These temporary or *mota* marriages carried no right of inheritance; on the other hand, membership of a tribe conveyed certain proprietary rights, and these were inherited from their mother by sons who were brought up in her tribe rather than their father's.

By Mahomedan law, when there are no heirs, the reversion falls to the

[1] *Die Ssabier und der Ssabismus*, vol. ii. pp. 10, 446.
[2] *Kinship and Marriage in Ancient Arabia*. Prof. Robertson Smith, p. 101.
[3] R. F. Burton, *Personal Narrative of a Pilgrimage to El Medinah and Mecca*, vol. iii. p. 40.
[4] Hamilton's *New Account of the East Indies*, vol. i. p. 52.

*asaba*, *i.e.* "those who go to battle together:"[1] the law of inheritance follows that of the spoils of war, and none can be heirs who do not "take part in battle, drive booty, and protect property." This provision recalls a curious distinction in the law of inheritance among the Towareks. Heritable goods are there divided into "legitimate" and "illegitimate" ones, of which the former consist of movables acquired by personal industry, and are equally divided among the children of both sexes, while the latter, "the goods of injustice"—that is to say, the spoils of war, acquired by the collective force of the clan or family—are inherited by the lawful sister's son, the only near male relative who is absolutely certain (where female descent prevails) to be of the same stock as those who won the spoils.[2]

A formula of divorce quoted by Prof. Robertson Smith seems almost to show that the fruits of peace had at one time been considered by the Arabs as belonging normally to women: "Begone," says the husband, "for I will no longer drive *thy* flocks to the pasture." In general, before Mahomet, the only restrictions on marriage were those between relations on the mother's side—a fact which by itself is nearly conclusive as to the current theory of relationship. Abulfeda also mentions as an old custom, prevailing in some princely houses, that of regarding a man's brothers, and ultimately his sisters' sons, as his heirs, instead of his own children—a custom which is only one step removed from the sisters' sons' inheritance of Malabar.

Just as ancient Babylonian law may be illustrated hereafter by the consideration of Jewish law, custom, and mediæval tradition, so, no doubt, traces of the ancient laws of Arabia will be discovered scattered through the mass of post-Mahomedan literature. An epigram quoted by Omarah (*ob. circ.* 1173 A.D.) takes the form of a question: "Who will buy the Akkites at the cost of a copper? Behold, I will sell them all, absolutely and without the option of cancelling the bargain!"[3] Obviously then there might be contracts in the form of a sale, which did not exclude the option of cancelling the bargain, and it is probable that Arabists, who look out for them, may find preciser traces of either the two stages in the Egyptian sale of real property, or of the Babylonian and Malayali mortgage or partial sale, which is not final because it conveys a part only of the owner's interest.

Associations of the same kind are raised by the story of Cais ibn Al-Khatum, who, when he went forth to avenge his father's death, provided for his mother by handing over to one of his kinsmen a palm garden near Medina, which was to be his if Cais fell in his enterprise, subject to the condition that he would "nourish the old woman from it all her life."[4] Prof. Robertson Smith sees in this an indication of the incapacity of women not only to inherit but to hold property, at least lands. But if

[1] Robertson Smith, *loc. cit.*, p. 54.
[2] *L'Évolution de la Propriété*, Ch. Letourneau (1889), p. 242.
[3] *Hist. of Yaman*, p. 20. [4] R. Smith, *l.c.*, p. 96.

compared with Babylonian deeds, which provide for fathers in the same way, by annuity in consideration of the use of land, it may betoken a state of things parallel rather to the Hamitic system of *pensions alimentaires*, and antichretic mortgages.[1]

In some respects the mental attitude of the Arab towards Earth and Water has remained primitive. Land regarded as space is common property. It belongs to the tribe that dwells within, or wanders over its area. The law of Islam, endorsing earlier custom, allows a title to private property in land to be acquired by cultivation. Opinions differ as to whether the license of Caliph or Sultan is required, but the general opinion is that whoever makes a fallow fruitful, whoever occupies and vivifies or quickens uncultivated land, thereby becomes its owner. Some say that the uncultivated land must be ownerless, and so far from other dwellings that the human voice cannot be heard from one to the other. The Kabyles regard uncultivated land as the property of the village, but in some cases they hold that, even when the consent of the village council has not been given to the reclamation, the person carrying it out has a right to have his title recognised, while others say it is established if he has occupied without opposition for three years.

In Arabia, of course, the essential step towards quickening the lifeless soil is to dig a well or find a spring. The natural religion of Arabia, like that of Syria, centres round the grove which overshadows the sacred fountain. The god and the freeholder of a city, the lord of a country, the husband of a wife, the master of a house or herds, are all designated by the same word—Baal (Arab. Ba'l). Jewish and Mahomedan law agree in distinguishing the taxation to be derived from land that is naturally and that which is artificially irrigated. The former is called in the Talmud the "field of the house of Baal," and in Arab documents, "what the Ba'l waters." It was recently pointed out by Prof. Robertson Smith[2] that "Baal's land, in the sense in which it is opposed to irrigated fields," does not mean—as might be assumed in other climates—land watered by the rains of heaven, and that "in fact, the best Arab authorities expressly say, that the Ba'l is not fertilised by rain, but by subterranean waters."

Arab theocracy goes back to the very beginnings of life in Arabia, and is untinged by convention or tradition. "What the husbandman irrigates is his own property, but what is naturally watered he regards as irrigated by a god, and as the field, house, or property of this god, who is thus looked upon as the Baal or owner of the spot."[3] Sacred tracts in Arabia, where it was unlawful for any one but the ministers of the sanctuary to kill game or utilize the vegetable products of the soil, served as sanctuaries and neutral territory, where private feuds were suspended among the common worshippers of the god. But in Arabia, even more than in the wealthy priestdoms of Asia Minor, the administrators of sacred property seem to

[1] Cf. *ante*, p. 375.
[2] *The Religion of the Semites* (1889), pp. 92, 96.
[3] *Ib.*, p. 95.

have regarded it as virtually held in trust for the nation or the tribe; and traditions of virtual communism were still in force even after Mahomet. The prophet himself is said to have proposed to pay the debts of all believers; and it was still taken for granted in the time of Omar that the revenues of the State were the common property of all Muslim.

Naturally irrigated land, by Arabic law, pays double tithes; but the god and the cultivator are the real proprietors, not, as in centralized monarchies, the State. Reclaimed land pays only tithe, not land tax; and thus, at Bereydah, in the centre of North Arabia, Palgrave observed "the soil belongs in full right to its cultivators, not to the Government, as in Turkey."[1] The discoverer of a well or spring has a right to from 50 to 500 cubits of surrounding soil; and wells dug by private persons for their own use are theirs as long as they use and occupy them, but become public property if abandoned. Water rights are naturally among the principal articles of property regulated.[2] Any one might make a canal to water fields from large natural rivers, and also from small ones, if it could be shown that no injury to previous occupiers would be caused. In the case of smaller watercourses the rule was to dam up the water and let it come successively on the fields, beginning with those highest up. Artificial canals were the collective property of those whose land they water, who keep them up, or who made them. Strangers may be excluded from the use of such water, but the joint-owners cannot store for themselves without permission. Masonry canals follow the same law.

At Nakhl, near Burka, Wellsted found that 400 dollars was paid for an hour's water once a fortnight, the time being measured by the rising and setting of certain stars. The oases of Oman vary in size from one to seven or eight miles in circumference, and stretch in a line towards the W.N.W. from the Beni Abu Ali. With constant irrigation, one crop of wheat and two of durrah are obtained. Wheat sown in October is reaped in March,[3] and at the same time of year date palms shed their leaves, the mango, plaintain, and fig had renewed theirs and the vine was still bare; every season is represented at the same time in the growth of some plant—a singularity which helps to measure the remarkable range and variety of the produce. The Arabs believe the almond to be a native of Oman, and all the varied fruits and grains of temperate Western Asia seem to thrive with the same luxuriance as the date.

The discovery of underground springs is a mystery followed by a peculiar class. Wellsted[4] saw several sunk for to the depth of forty feet; an underground channel was then dug with a slight slope in the desired direction, with chimneys at intervals to give light and air for those cleaning the channels; these are usually about four feet broad and three deep, containing a clear, rapid stream by which water is carried in abundance

[1] *Narrative*, i. p. 315.
[2] A. v. Kremer, *Culturgeschichte des Orients unter den Khalifen*, p. 445.
[3] *Travels in Arabia*, i. 281.
[4] *Ib.*, p. 92.

for six or eight miles, "at an expense of labour and skill more Chinese than Arabian." The channels are called feleji, and four or five such feleji run to each large town or oasis. Similar irrigation tunnels were used in Peru, Persia, and Afghanistan, and of course the custom, which must have originated in a land of torrid summer heat, is of immemorial antiquity in Arabia.[1]

The charm of fresh water in a thirsty land, and the exquisitely courteous and hospitable instincts of the true Arab, are illustrated together by an incident which Wellsted declared himself, years afterwards, to be unable to recall without emotion. He was sitting under a tree in melancholy mood, with a countenance to match, when a passing Arab saw him, sympathized, gave the salutation of peace, and, pointing to the crystal stream at his feet, said: "Look, friend, for running water maketh the heart glad;" then bowed, and passed on his way.[2]

Von Maltzan found the Chinese and Syrian rule, against purchases or presents being made or accepted by persons in authority, in force in South Arabia; and wished that he had happened to light upon a less scrupulous Cadi, when a purchase from one might have been made in all good faith, had the law allowed.[3] Slavery in Arabia also retains its archaic laxity; if displeased with his master, the slave can go to the Cadi and demand a public sale, and the master cannot, even for criminal offences, put the slave to death without public trial. If the slave has a wife who bears children, they and the wife must be sold with the father.

In all capital proceedings Arab justice is described as leisurely and cautious, appeals are allowed and executions postponed for months or altogether. "Nor can the most absolute rulers of Arabia violate with impunity the restrictions placed by a sense of responsibility and humanity on the too rapid course of such trials, or venture to condemn a subject to death in time of peace simply on their own authority, or without the stated intervention of legal proceedings."[4]

Wellsted was struck by the "extraordinary care and affection" for the persons of their sheikhs displayed by the Bedouin tribes of Oman, as well as by the curiously constitutional character of the Sheikh government, which he describes as a political phenomenon in the history of nations, that, although neither a republic, an aristocracy, nor a kingdom, nevertheless possesses the elements of all those modes of government. "Although the grand sheikhs of the principal tribes have in some cases the power of life and death, and also that of declaring war and peace, yet their authority . . . is abridged by the aged and other influential men of the tribe. In civil and criminal affairs they act rather as arbiters than judges, and cases of importance are sometimes debated by the whole tribe."[5]

[1] The chief overseer of the annual water distribution is an officer mentioned in the inscriptions. *Burgen u. Schlösser*, p. 359.
[2] *L.c.*, i. p. 172.
[3] *Reise Nach Sud-Arabien*, p. 163.
[4] Palgrave, *Narrative*, i. p. 229.
[5] *Travels*, i. p. 360.

In Hadramaut the government is nominally hereditary, but the order of primogeniture was not unfrequently set aside by some more powerful member of the same family, as has probably at all times been the rule throughout the country. Oman seems to have inspired Palgrave with an enthusiasm for the ideal of Chinese political philosophers whose anarchist aspirations seem to have been realized there, with exceptional completeness. He attributes the prosperity of the State to the absence of government regulation, monopoly, centralization; of government religion, education, control and patronage, "the first, often the only office of government is that of magistrates: their capital affair to assure their subjects the quiet enjoyment of what Arabs not inaptly call the 'three precious things,' viz., their life, their household honour and their property;" such has been the almost uniform course of the Omanee administration, which the author contrasted with that of the Wahhabis, who, with twice the territory, had only half the population and not one-twentieth the revenue or wealth. Omanee history offers "centuries of quiet well-doing, thriving towns, thickly peopled land, princes loved by their subjects, and subjects rendered prosperous by their princes."[1]

All this is not dissimilar to the records of various stocks of Arab origin in Africa, but they seem to apply to the Arab most in proportion as he is least of a Mahomedan. Wellsted and Palgrave agree again as to the position of women in Oman. They are famous for their beauty and vivacity, and "enjoy more liberty . . . and are more respected than in any other Eastern country."[2] "In Oman the mutual footing of the sexes is almost European, and the harem is scarcely less open to visitors than the rest of the house." One wife only has full legal honours and title, and the laws of inheritance also differ from those of the Koran, "the share of the female being here equal to that of the male instead of only half."[3] Women do not wear the face veil, wine is freely drunk and tobacco smoked, and, if it must also be admitted that morals are lax and witchcraft common, so that Oman bears the name of "the land of Enchanters," we may at least regard these failings as representing survivals from the common estate of primitive man rather than a degeneracy due to the evil influence of European example.

Even the race of martial heroines is not yet extinct. Suweik, on the coast between Sohar and Burka, and Rostak, south of Suweik, inland on a line towards Nizzuwah, were defended, just before Wellsted's visit, by the wife and sister of Sheikh Seyyid Hillal, when the latter was absent or imprisoned; the wife refusing to surrender even if her husband were cut to pieces before her eyes.[4] And when the son of Feysul led an expedition against the Ajman Bedouin, the Bedouin army "was, according to custom,

[1] *Narrative*, ii. pp. 290–2. The benignity of these princes extends to foreigners, and Palgrave, who was shipwrecked on their coast, found the hospitable usage ascribed to the town of Phasis in full force there. *Ante*, p. 457.

[2] *Travels*, i. p. 354. [3] *Narrative*, ii. pp. 177, 263, 330.

[4] *Ib.*, i. p. 193. *Ib.*, ii. p. 71.

preceded by a Hadee'yal, that is, a maiden of good family and better courage, who, mounted amid the fore-ranks on a camel, has to shame the timid and excite the brave by satirical or encomiastic recitations." Her death by a Nejdean lance is said to have decided the rout of the Ajman army.

The occasional occurrence of blue eyes among the Arabs has been mentioned before,[1] and in connection with the Egyptian drawings of fair-haired, blue-eyed Semites, it is interesting to find that an ancient Arab heroine, who was proverbial for her long sight, was called Zerca el Yemamah, because the far-seeing eyes were blue.[2] And a suggestion has presented itself lately, from an unlikely quarter, as to the sort of race which might be produced from a mixture of the two physical types represented on the earliest monuments and in the earliest tombs of Egypt. A half-caste race has arisen of late years on the west coast of Greenland, of mixed Eskimo and European (mainly Danish) blood, the members of which, according to Nansen, "have as a rule a somewhat Southern appearance, with their dark hair, dark eyebrows and eyes, and brown complexion."[3] He adds that a remarkably Jewish cast of appearance sometimes appears amongst them. If a cross between the Aryan and the Eskimo produces a variety so distinct and so unlike to either parent, a cross between Semites and Akkadians might very easily have resulted in the somewhat similar product exemplified in Punite and Egyptian features.

[1] *Ante*, p. 277.
[2] Caussin de Perceval. *Essais sur l'histoire des Arabes avant l'Islamisme*, i. p. 101.
[3] *Eskimo Life*, 1893, p. 19.

## CHAPTER IX.

### *HAMITIC AFRICAN TRIBES.*

EGYPTIAN monuments of the Ethiopian Dynasty show that the rule of descent for the royal family was the same as in Egypt, or with the female element still more strongly insisted on. In the Stele of the Coronation,[1] the descent of King Aspalut is given for seven generations on the maternal side, from "his mother, the royal sister," So-and-so, "whose mother was the royal sister," etc., etc., while his father's father only is named. Among the kings of Meroe, if one died, his consort succeeded, with the son in a secondary position; if the consort died, the son was at once associated in the crown.

Makrizi and other Arab writers give a similar account of the Begas and other Nubian tribes met with in the early days of Islam. And Lepsius describes a modern Ethiopian princess, Nasr, the sister of a former sultan, who was treated with peculiar respect because she was descended on the mother's side from the legitimate royal house. Throughout Northern Africa, numerous non-negro tribes have preserved the same family custom unchanged certainly for many centuries, in spite of the conversion to Islam of those who observe them.

Ibn Batuta mentions as a curious custom that, among the Berber princes, the succession went, not to the sons of the king, but to his sister's sons;[2] and other Arab chroniclers mention this custom as peculiar to the Berbers and the natives of Malabar. The district between the Red Sea, the Upper Nile, and the Abyssinian highlands is occupied by tribes of Berber origin, with customs of varying degrees of purity.[3] The tribes of the Beni Amer, whose customs represent the middle stage of Mahomedan influence, have a marriage law not unlike that of the Gortyn code. There are two kinds of marriage—that by purchase, and marriage with community of goods.[3] If the husband divorces his wife, they both reclaim their own private property, and the common stock is divided in half; the house and its contents, however, all go to the woman, and the weapons to the man. The woman may divorce in two ways—by simply leaving the man or by formal complaint on account of ill-treatment or infidelity.[4] If the woman dies, leaving children, the man takes care of her property in trust for

[1] *Records of the Past*, vol. vi. p. 76.

[2] In describing the similar customs of a negro tribe in the Soudan, the Arab traveller adds that it is only met with besides among the pagan Hindoos of Malabar.

[3] W. Munzinger. *Ost-afrikanische Studien* (1864), p. 319 ff.

[4] Cf. *ante*, p. 477.

them, and it is made over to them if he marries again. If he dies, she retains everything while unmarried, as in China. The bride remains a full year in her father's house after the betrothal; and though there is said to be no law to this effect, the custom is general among the East African tribes as well as among the Kabyles.

The language, "To bedauie," that of the old so-called Bedja or Bega, is spoken by all the Bishareen and Hadendowa tribes and by a part of the Beni Amer. The women, according to Munzinger, have more privileges by custom than law; they receive presents from their husbands, and have a great *esprit de corps* among themselves. A woman may at any time return to her mother's house and stay there for months together, telling her husband to come to her there if he wants her. Among the Bogos, married women are not required to work—a marked contrast to the industrious Abyssinians. Friends and relations help to build the house for the newly married couple. Wives affect not to care for their husbands, but value their brothers beyond everything. Married women do not eat with their husbands or speak his name before strangers. They make parties to go out together, kill a cow and feast; they have a strong feeling of honour, and their protection is safer than a man's. Polygamy is the exception. In case of divorce the children stay with the mother. The Beni Amer women weave palm mats, which are sold to pay the taxes, while the men mind the herds.

A curious Spartan-like institution was met with by Dr. Juncker among the Begas. The title of Akhir el Benat, "Defender of the village maiden," was won by Bega youths in a sort of flogging duel of endurance. And it is said that formerly in tribal wars the Arabs used to bear the fairest maiden of the tribe in the 'Otsa, a kind of cage, on a camel, into the midst of the fight, in the defence of which the warriors of the tribe put out all their strength. At the same time it is seen that this sort of chivalry is not incompatible with Amazonian tendencies, for there is a story of a young and beautiful maiden, who was shot fighting on the side of the Sharqieh Arabs in 1820.[1]

The Barea and Kunama have only adopted the religion of Islam in a perfunctory manner. They say they are a peculiar people, and have nothing to do with either Mahomedans or Christians. They have no gods, idols, or temples. They believe in amulets, and have a priestly rain-maker, who, however, may be deposed and even stoned if unsuccessful, in which case he is succeeded by his brother or nephew. They observe a festival in November after harvest, but "their real religion is an extraordinary respect for old age."[2] Parents are highly esteemed, and a son even if blamed unjustly, does not defend himself. Mothers are much beloved and tenderly cared for in age, and their fields cultivated by the sons. Complete personal equality is the rule; the commune is formed of the villagers individually, and the family itself has no political significance.

[1] *Travels in Africa*, 1875-8, by Dr. Wm. Juncker, p. 135.
[2] Munzinger, p. 474.

In all these points the custom of the tribes in question is strongly contrasted with that of the surrounding population. Before a man builds his own house, *i.e.* marries, he is in his father's power, and the latter takes all his earnings. The maternal uncle decides about the life and liberty of the child, and may let it be sold in time of famine, but slavery is rare and mild. Ancient maxims are quoted under the name of *Butha*, as having the force of law, and one of these declared, long before Rousseau and the American Declaration of Independence: "Men are naturally free, and can never lose their liberty." Private quarrels are not allowed to spread, as the community is always on the side of peace. Whoever is accused must appear and answer before the elders, and banishment, the severest punishment inflicted, would follow rebellion against their award. Proof consists of oath and evidence. In places the old rule of inheritance by brother's or sister's son is interfered with by Mahomedan law.[1]

There is no distinction between noble and plebeian classes; few servants are employed; the name used for them signifies "wages" or "hire." The time of paid service lasts from the rains till harvest; and besides his pay the servant has certain days on which he uses his master's oxen for himself and can plough a little field. According to Munzinger, the leading characteristic of the local law is that persons are rated very high and things very low. No one may be enslaved for offences against property, or debt. Even slaves can emancipate themselves by leaving their master and settling in another village. The same rule of inheritance, by brothers' and sisters' sons, is followed by slave and free; children follow the mother's status. Illegitimate children are received without offence in the mother's family. Landed property is seldom sold. The embarrassed proprietor as a rule only gives his land to the purchaser as a pledge, which he can redeem at any time on payment of the price received.[2] Land is plentiful, and leave to cultivate any portion not in use can be had for the asking, the occupier giving the owner in such cases a small share of the produce at harvest.

The distinction between the abstract right of ownership, which has virtually no money value, and the right of occupancy or use, which appears so perplexingly in Egyptian and Malabar law, may have originated under similar conditions, when larger tracts were claimed as property, to be grazed or traversed at will, than there was any thought of utilizing for cultivation. The cultivating occupier would have no need or wish to obtain this half-political sort of ownership, which is absolutely worthless as regards a tiny field, and yet resembles in kind the jurisdiction by which a negro king can exclude or put to ransom foreign caravans.

Grass, wood, and straw, even on cultivated land, are regarded as common property. Theft is treated as debt, and the stolen goods are reclaimed by force. If the thief repents, and comes with an elder of his family or village to apologize, a small present is accepted, and full restitution is not insisted on. The people live in close villages made up of enclosed

[1] Munzinger, p. 481. [2] *Ib.*, p. 492.

homesteads or several huts within a hedge.[1] Agriculture is the chief pursuit, and the community tills the fields of any one who is sent abroad at its bidding.

Morality is as lax as possible, except in the case of married couples. Adultery is very rare, and the Barea women especially are famous and much sought after as the most faithful wives. The order of inheritance among them and other tribes is as follows: Brother by the same mother; eldest son of mother's eldest son; second son of ditto; son of younger sister; own sister or sister's child. The child often receives the name of the grandfather or maternal uncle. On occasion of a marriage the bridegroom makes presents to the bride's mother, to her maternal uncle and grandfather, and to the father and paternal aunt, besides what goes to the bridal pair as joint property. The father is not obliged to give anything to his daughter, but it is common for him to do so in token of affection.

A widow may not marry her husband's heir till after three years' mourning—nearly the only instance of such a period out of China. The whole village follows a corpse to the grave. Each family has for a sepulchre a tolerably roomy cave or hollow, approached by a deep shaft and closed with a stone, like the Egyptian graves of kings or pyramid owners. Both sexes join in the wailing; the village mourns for a week, and the family for a year, like the Georgians.[2] The people live friendly and peaceable lives at home, but abroad are famed and feared as robbers. Their manners are very gentle and polite, and this is most noticeable in the most secluded tribes. The richer and more prosperous a Barea becomes, the more liberal and temperate he appears. They are mutually helpful, most hospitable and merciful even to strangers. Widows and orphans are never wronged or ill treated. They are fond of songs, of which they have a great number. The German traveller who records the above particulars, concludes by describing them as perhaps the most genuinely democratic people to be met with anywhere in the world. Disputes and civil wars are impossible among them, and he adds: "So peculiar a republic might vegetate on for millenniums if it could be isolated from all foreign contact."[3]

It is hardly necessary to observe that this is just what is proved to have occurred, and that the manners and customs of these tribes, both in regard to the living and the dead, have remained unchanged since the distant period when the Egyptians, the Phœnicians, and the "divine Pelasgi" were the leading representatives of culture and humanity on the shores of the Mediterranean. The whole reach of country in Northern Africa behind the petty kingdoms of the coast, which used to be loosely called Barbary, is occupied, more or less continuously, by tribes of the same order. The customs of the Kabyles in Algeria have been carefully collected by MM. Hanoteau and Letourneur, and those of the independent tribes further inland and westward have been described, though in less detail, by Barth, Faidherbe, and Duveyrier. Travellers are struck by the white complexion

[1] *Ib.*, p. 516. [2] *Ib.*, pp. 488, 528. [3] *Ib.*, p. 534.

and European features of the Kabyle tribes in the Algerian highlands, and the Egyptian monuments show us Libyans of the same Caucasian type; but a distinction like that between the white and red Syrians of Strabo must have prevailed originally, and it seems as if the Berbers of the interior had, till recently, at any rate, retained to some extent the red complexion characteristic of the old Hamitic stock.

In the sixteenth century the Berber tribes in an army were distinguished as the Reds and the Blacks; in the thirteenth century it was said that the kings of Bornu on Lake Tsad were of a red complexion, and the word "ja" (red) was still used in Barth's time as a complimentary epithet in songs praising a local governor. General Faidherbe says [1] that only about one in ten of the Berber population are blonde, but the proportion is larger in some tribes than others. He doubts the effect of climate alone upon the complexion, because there are Berbers fair enough to pass for Flemings, and refers to the statement of Scylax that all the Libyans were fair and handsome. But he points out that by intermarrying with a darker or a fairer race any stock may change colour, and that more than once, as in the case of Shereefs, whose families pass from Mecca to the Soudan and back, and in successive generations turn from Arab to negro, and from negro to Arab, without forfeiting the right to the green turban. Complexion, language and religion may change, but customs as old as the Pyramids linger through all such vicissitudes, and as they are never borrowed by strangers, they are infallible evidence to the antiquity of the people among whom they survive.

Very little trace remains of the archaic Berber family law, but the characteristic antichretic pledge or mortgage still flourishes under the name of *rahnia*: the old Hamitic genius for association survives, and local self-government, on lines clearly marked by custom, shows a vigour and persistency hardly to be paralleled out of China. The village is the political unit; [2] two or more villages supposed to have a certain degree of affinity form a tribe; certain tribes form a confederation, and organization seldom goes further than this. Scattered hamlets may associate and form a village for administrative purposes, and the village is sub-divided into *kharoubas*, answering more or less to the Chinese "neighbourhood:" the word is derived from the cluster of pods of the carouba tree, and denotes an aggregation of families supposed to be related to each other. The family itself is undivided, and includes father, mother, sons and their wives, their children, grandchildren, uncles, aunts, and cousins. The family is supreme, and in the case of murder or any other crime, it may choose whom it pleases or thinks fit to deliver up as a victim.

The village council, or *dgemâa*, includes all the citizens, but age and wealth have a practical ascendency, and any speaker claiming the ears of the assembly without the customary qualifications would be promptly silenced. The dgemâa levies taxes, consisting of a so-called tithe, generally

[1] *Collection complète des Inscriptions Numidiques* (1870), pp. 17–25.
[2] *Les Kabyles et les coutumes Kabyles*, MM. Hanoteau et Letourneur, vol. ii. p. 4 ff.

equivalent to about two per cent. of the harvest. Private persons are entitled to help from their neighbours in certain works, such as building a house, and mutual assistance is due by law in other cases as well. There are fruit gardens in many places belonging to the poor, and anywhere a hungry man may gather what he can eat upon the spot. A woman with a jar of water must give the stranger drink; travellers must be helped, if necessary, by the loan or hire of beasts of burden at the customary charge, and hospices are provided in snowy mountains.

The organization of public hospitality has already been described; the *thimecheret*, or division of meat, which is regarded as a survival from the ancient practice of common meals, sometimes takes the form of a public feast held on occasions of private interest, such as a birth or marriage. Charity is active, and a beggar is never refused a meal; but beggars are rare, because families would consider themselves disgraced by allowing one of their number to become a burden on the public. Wealthy householders, in Aristotle's words, divide the poor between them; young orphans left without near relatives are taken and started in life by well-to-do families; and this is done, as among the Chinese, not as a duty or a virtue, but as a simple custom. Great respect is shown for individual rights of property, except so far as they are restricted by ancient custom in the common interest. As in ancient Egypt it is unlawful to open windows whereby you may see into your neighbour's house. Ploughs, which are worth a sovereign or more, are habitually left out in the field at night, only the yoke and harness of the draught animals being taken home; but they are protected by a rational superstition, "He who steals a plough will die of hunger;" and the theft, though not visited with any specially severe punishment, is regarded as infamous.[1] It is forbidden to throw dirt or rubbish into the village street. One tribe fines those who do not plant at least ten fig trees in the year; and in another village, where the dgemâa meets on Thursday, it is said that no one works on that day, and it is customary to let the poor have the use of their neighbour's oxen for ploughing.[2]

Taken singly, most of these customs might have been met with anywhere, but if we compare them collectively with early codes of Germanic or other tribes in Western Europe, it is evident that they belong to an entirely different order. There is a more fastidious civilization, a much stronger sense of social obligations, and less provision for dealing with individual contentiousness. Courage, gentleness, generosity, industry, and respect for old age are but a few of the virtues enumerated by Ibn Khaldoun as distinctive of the Berber race,[3] and its decline in political importance does not seem to have impaired these personal characteristics.

There is also, alongside of the family and local organization, a curious sort of quasi-political association called the *çof*, of a purely voluntary char-

[1] By Phrygian law the theft of a plough or the slaughter of a ploughing ox were punished with death. Cf. *New Chapters in Greek History*, 1892, by Percy Gardner, p. 37.
[2] *Ib.*, vol. iii. p. 422.
[3] *Hist. des Berbères*, tr. by M. G. de Slane, vol. i. p. 200.

acter, embracing those villagers who, from personal or other motives, choose to combine for purposes of mutual assistance and defence. Different tribes in case of need call upon friendly çofs for help, which is always faithfully given. The head of the çof has to exercise hospitality, and receives no reward except of an honorific kind: the village headman requires to have the support of a powerful çof, and the fact that this important kind of organization exists apart from the equally real base of union furnished by the village and the tribe, may perhaps warrant the conjecture that in Carthage and the Phœnician colonies generally there may have been the same tendency towards a double organization, which would explain the apparent discrepancies in some of our authorities.

Another conception which forms an important item in Kabyle society is that of the *ânaia*, or "protection." An individual, a village, a çof, or a tribe may give its *ânaia*, and is then bound to hold its protégé safe against all harm or injury. Every Kabyle possesses by right the ânaia of his tribe, and is required to merit its protection by devotion to the common interest, to frequent its markets by preference, and generally show loyalty to the community. It is possible that a somewhat similar idea is at the bottom of the title borne by the Nayars (or Nairs), who are called Protectors or leaders of the people: and we should at least seek vainly among men of any other race than the primitive pacific stock for an example of a militia, or military class which exercises no control over the people of the country for its own advantage, and only sets the fashion of customs sufficiently convenient to be adopted without compulsion.

The Kabyle village as a rule pays a teacher for the children, though sometimes he is provided for by boarding with different households in succession.[1] The so-called *kanoun*, or customary code of law, which each village possesses, is in many cases written, and so far as family customs are concerned, they have the same transitional character as the customs of the Eastern tribes already described. The distinction between the contract or betrothal and the consummation of the marriage has already been mentioned as recalling the two stages in Egyptian marriage contracts, the accepting and the establishing a wife, and it is noticeable that the father who declines to give up his daughter after the betrothal contract has been entered into, is required to pay a heavier fine than the husband, who, under the same circumstances, refuses to receive his bride. Evidently such a provision was not injurious to the privileges of Moslem husbands, and was therefore suffered to linger in the statute book, but it is at least equally obvious that when offences are visited by fine, the heavier penalty is allotted to the more serious injury; and if, in Barbary, damages for breach of promise to marry are calculated on a more liberal scale to disappointed bridegrooms than to rejected brides, it is probable that once on a time men had more to gain materially by marriage than women.

Another curious privilege is secured to wives. If a woman chooses to

[1] Like school teachers in American country districts.

"revolt," and quit her husband, taking refuge with her father or in the house of any other respectable protector, she cannot be compelled to return to her husband. This is one of the cases in which ancient Kabyle custom seems to have been too strong for the Koran; and while the national temper remained unaltered, the extension given to the legal authority of husbands would only make it the more necessary to allow aggrieved wives something answering to the right of sanctuary possessed by slaves in Egypt. Practically, however, the custom is tantamount to a right of divorce to be exercised by the wife at will; of course custom and public opinion are so strong that the remedy is only resorted to in extreme cases; but the right must be regarded as a survival from a state of things analogous to that which prevailed in China before Confucius, when the chronicler constantly records how the daughter of Duke this, who had been married to Earl that, "returned to her father's house at Loo."

One other trait which survives from the pre-Mahomedan period resembles the right of sanctuary, as it were, possessed by women among the Iberians. Any injury or insult is considered to be aggravated if it is inflicted in the presence of the women of the other side; even the *rekba*, or vengeance for blood, must not be claimed before the female relatives of the guilty person;[1] nor must a creditor claim his dues offensively in their presence, —reservations which have their parallels both in Irish and Basque law.

The proprietary rights of women and the rule of succession have been much modified by Moslem law. By most "canons" the widow has the right to live on her husband's property with her sons, as in China; if there are daughters only, sometimes she and they retain the whole while unmarried, and sometimes they take a half or third only, and the agnates the rest. A widow or child not properly provided for by the family may be protected by the village headman, as if the traditions of public opinion were of a more liberal type than the law fixing the technical rights of male relatives. One tribe expressly limits the right of women to inherit, lest they should take property out of the tribe on marriage, which shows that the custom of marrying within the tribe was not insisted on. One canon recognises the right of the widow to remain and act as her children's guardian, but in that case she must not marry a stranger and bring him to her husband's house, though she may bring a near relative of his own there.[2]

The right of *chefâa*, or pre-emption, when family property is offered for sale, is reserved to co-heirs, co-proprietors or partners, relatives in the order of succession, and then to members of the Kharouba, of the village, and of the confederation;[3] so that virtually land can only be sold with the consent of the tribe or "the people of the land," as in the days of Ephron the Hittite. As in Egypt, the vendor undertakes to guarantee the purchaser against all disturbance by third parties.

No written code ever describes the normal working of joint and undivided family ownership, but the character of the "insubordinate son," *i.e.*

[1] Vol. iii. p. 190. [2] *Ib.* iii. p. 410. [3] *Ib.*, ii. p. 401.

one who has separated his interest from the family, is recognised by the Kabyles, and this proceeding is viewed as so far criminal as to be visited with fines. The insubordinate son forfeits his claim to maintenance, but he shares in the inheritance on his father's death.

Barth had not the same facilities for investigating in detail the usages of the tribes he visited as the French writers whose exhaustive account of Kabyle custom has been utilized above, but he records several facts of interest. He describes the polity of the ancient Berber kingdom of Bornu as originally "entirely aristocratical, based upon a council of twelve chiefs, without whose assent nothing of importance could be undertaken by the king."[1] Lucas, a still earlier traveller, describes the Bornu kingdom as an elective monarchy, the privilege of choosing a successor among the sons of a deceased king, without regard to priority of birth, being conferred by the nation on three of the most distinguished men of the country. The newly elected king further bound himself by oath to respect the ancient institutions of the country and to employ himself for its glory.

Such curious constitutionalism is incredible in Africa apart from the red race, and the other marked characteristic of the stock, the importance of the mother and descent through women, appears in the same locality. The Kanuri, a people of Bornu, still retain traces of a time when descent was traced in the female line. They "call people in general, but principally their kings, always after the name of their mother, and the name of the mother is always added in chronicles as a circumstance of the greatest importance. Thus the famous king D'unama ben Selma'a is known in Bornu generally only by the name of Dîbalami, from the name of his mother Dibala . . . his mother's name preceding his individual name, which is followed by the name of his father."[2] The name of a queen mother is not infrequently included in lists of reigning sovereigns, and one such lady is recorded to have imprisoned her royal son for the space of a year.

Other characteristic traits mentioned by Barth are "the great care which the Songhay bestowed upon their dead," which "appears to have been traditionally handed down from the remotest antiquity;"[3] and the fact that "everything sold in the market is measured and weighed by an officer;" indeed, the police of the markets among the Kabyles is as complete as in the Chow Li, and all affairs are settled in the market place. Another curiously Chinese trait is attributed to them. They have a standard of value—a piece of iron, a Spanish coin, a measure of dates—but they do not give the bar a certain size and let the price of other things fluctuate as iron is scarce or plentiful, cheap or dear. "If iron becomes cheap," says an author who admires the metaphysical subtlety of the device, "two bars of iron go to *the* bar, and if it becomes dear, half a bar of iron goes to the bar. The ideal standard is preserved because it is

[1] *Travels in Northern and Central Africa*, vol. ii. p. 270.
[2] *Ib.*, ii. p. 273.
[3] *Ib.*, iv. p. 427.

ideal. Yet here are barbarians."[1] The "pound" in Chinese markets varies in exactly the same way,[2] and the discussions of Chinese Ricardos concerning "light" and "heavy" money are rendered mysterious to Europeans by the predominance of this confusion of ideas.

Monogamy is still the rule in many tribes in spite of Mahomedanism, and the ascendency of women is greatest in the most secluded, central regions of the Sahara. "The women," says Barth, "appear to have the superiority over the male sex in the country of As'ben, at least to a certain extent; so that when a ba A'sbenchi marries a woman from another village, she does not leave her dwelling-place to follow her husband, but he must come to her in her own village,"[3] just as in Arabia the husband from a strange tribe was required to join his wife's kinsmen.

The ascendency of women is still more marked among the wild Towarek tribes (or, as they call themselves, Imoschag). There the chiefs are succeeded by their sister's eldest son, and M. Duveyrier noted that the principal rôle is played by women "in all exceptional customs of the Touaregs." According to popular tradition among the Azdjers, at the time of the first settlement, a chief invited to court all the "dowagers" of the other tribes, *i.e.* "all the noble ladies who had the privilege of giving birth to chiefs,"[4] and each of these ladies received an appanage of land for her tribe. Women with a reputation for wisdom take part in the tribal councils, and they sometimes act as sheiks. They insist upon monogamy, and would divorce a husband who took another wife.

On the other hand, though divorce is legal, a man does not in practice venture to repudiate one wife and take another without arranging a provision for the first, just as the ancient Egyptians bound themselves to do by marriage contract. The Towarek wife is not required to contribute to the support of the family; she inherits, but does not spend, and so grows rich by accumulation of revenue. At Rhat the author was informed that nearly all landed property was in the hands of women, and the attainment of a similar result in ancient Sparta may be conjectured to have followed from the observance of similar customs both as to expenditure and inheritance. Before marriage they enjoy complete liberty: a girl will mount her camel and ride thirty leagues to visit a lover; but unfaithfulness after marriage is almost unknown, and divorce rare for the reasons given above. The eldest son of the eldest sister is head of the family.

They are divided into noble, servile, and mixed tribes; the former do no work, their chief occupation being to ensure the safety of the roads in the interest of commerce; that is to say, they protect their own people, levy blackmail or tribute on allied or friendly tribes, and frankly plunder strangers or enemies. The Dutch lady traveller, Miss Tinné, who perished

[1] *The Pillars of Hercules*, by D. Urquhart, vol. ii. p. 113.
[2] *Post*, vol. ii. ch. xxviii.
[3] *Loc. cit.*, i. p. 340.
[4] *Les Touaregs du Nord*, p. 323. By the late Henri Duveyrier, 1864. Cf. *Visscher's Letters from Malabar*, p. 56, where four royal houses are mentioned "consisting of princesses whose sons are in the line of succession."

by an attack in this country, might probably have escaped if her party had been sufficiently well acquainted with the local customs to have invoked the universal "rights of women" as a ground for respect. At harvest time these warriors receive a sort of tithe from the cultivators under their protection, whose oases they visit in turn. When caravans are in motion, they haunt the roads to levy tribute, and at other times of year are fed by their serfs. They are naturally fair till tanned by the sun, with Caucasian features, and can stand any change of climate.

It is remarked of them, as of the Cretans, that their slaves and serfs do not revolt. The latter may change patrons by gift or inheritance, but are not sold. They probably consist of conquered natives who have accepted their masters' habits. Among the vassal tribes there is one called the Reds and another the Blacks. The chiefs are elected, and the king is often deposed and succeeded by a sister's son. The people are very scrupulous in regard to the property of their friends or fellow-tribesmen; deposits are held sacred, and debts, as to which there is no evidence or witness, are paid spontaneously, sometimes after an interval of twenty years, and at the cost of a desert journey to the debtor. They abstain from fish, like the ancient Egyptians. Camels are the chief articles of property and the chief interest, so that "I give news of the camels, all is well," were the first words that occurred to a scholar whom General Faidherbe asked for a specimen of the written character.

The Towarek are the only Berbers who have retained the memory of the old Berber character called tefinagh or tifinar'. The girls go to school, and can nearly all read and write, and according to M. Hanoteau,[1] some are better informed than the majority of men among the Algerian Moslems. They have no written books, the character being used for songs, inscriptions on rocks or caves, and devices on shields, clothes, and weapons. Consonants alone are written, and when reading an unseen text, they spell it, trying each vowel in turn till they make sense. When M. Duveyrier asked for lessons in writing, he was referred to the women,[2] as among the Azdjers more women than men can write, though for the most part badly. They write indifferently up and down, and from the right or left, and the women sometimes deliberately transpose letters, so as to make the meaning doubtful to the uninitiated. There is nothing sacred about the writing; but being a kind of mystery, like the Norse runes, a kind of talismanic virtue is evidently attributed to an inscription, and those quoted by General Faidherbe[3] are instructive, especially when we learn that they are the only ones he could obtain.

The first is an inscription on a shield made by the maternal aunt of a chief; it will be better to reproduce the French version, rather than risk some loss of accuracy by re-translation. "C'est moi, Reicha qui ai dit: je te retiens pour moi seul; ne vas pas vers d'autres femmes que moi."

[1] *Essai de Grammaire de la langue Tamaschek*, 1860.
[2] *Les Touaregs du Nord*, p. 388.
[3] *Collection complète des Inscriptions Numidiques*, p. 58 ff.

"Taket Tekfelt a dit: je réserve pour moi seule parmi les femmes le maître du bouclier. C'est moi, Agmama qui ai dit. Salut aux filles de Hamelen." On a bracelet belonging to a Towarek chief was written: "C'est moi, Takounit qui ai dit: je me réserve Bedda le maître du bracelet. Depuis que je suis née je jeune, maintenant j'ai besoin que tu m'apprennes à manger; je suis malade du chagrin que tu me causes." Another legend on a bracelet runs: "C'est moi, Fatimata qui ai dit: le maître du bouclier est défendu aux femmes sous peine de pêché." Shorter scrolls say merely. "C'est moi, Sousen qui ai dit: je reponds du maître du bouclier." "C'est moi, Tasnout qui ai dit: je défends les femmes de plaire au maître du bouclier," or "C'est moi, Fatima."

These legends are particularly interesting as expressing the point of view of the women themselves in a community of the sort which appears to strangers to be under the rule of women. According to one of their proverbs, love is an affair of "the eye and the heart;" but the Towarek view differs from that of the Troubadours in this respect: the women, though they prefer to be wooed, do not object to being won, and so far from regarding marriage as fatal to love, they spend all their fascinations to bind their lover to them for life in lawful, voluntary chains.

Barth comments on a physical peculiarity of the women in some of the central tribes, resembling that of the Hottentots, who by language and physique are affiliated to the Hamitic race, notwithstanding the low level to which they have sunk in the social scale. Among the Hottentots the sons take the family name of the mother, and the daughters that of the father; and the few travellers, who have been at the pains to observe their moral character and mental qualities, give an account of both which makes their supposed kinship by no means incredible, while the rude sketches of animals with which they decorate their caves show a fidelity and spirit exactly like that displayed by the artists of ancient Egypt.

Sir John Barrow, whose duties chanced to take him straight from Southern Africa to China, did not even know that the Hottentots might claim kindred with the Egyptians; and he certainly could not have surmised that a chain of evidence might be forged hereafter connecting the latter people with the Chinese. He, was however, much struck with the physical resemblance between the latter and the Hottentots. The form of their persons, their manner of speaking, temper, colour, and features, the shape and position of their eyes, appeared to him "nearly alike;" the curling hair of the Hottentots was the only marked difference, while the mental resemblances were hardly less marked than the physical ones. "A Hottentot who attended me in travelling over Southern Africa was so very like a Chinese servant I had in Canton, both in person, features, manner, and tone of voice, that almost always inadvertently I called him by the name of the latter."[1]

Very often, no doubt, the statements of genealogical descent or ethnological affinity hazarded by the geographers or historians of antiquity

[1] *Travels in China*, p. 49.

rest only upon such perceptions of resemblance; at the same time, when observation is acute and accurate, the involuntary classifications suggested by it are more likely to be right than wrong, and require some positive evidence to invalidate them.

"A Spanish traveller, early in the sixteenth century, was not less felicitous in seizing resemblances. He imagines the island of Sokotra to be that of the Amazons of which the Moors had tales to tell, for "there the women administer property and manage it, without the husbands having a voice in the matter."[1] Barbosa may have sailed from Sokotra to Malabar, touching at the Laccadives, where the real island of rumour was to be found, on the return voyage, and he might thus have got the impression that the distance between the two was inconsiderable. But even if he was really referring to Abd-el-Kuri and some other small island on the African coast, his observation is not the less interesting as a witness to the diffusion of the Berber type. "Quite near to this island of Socotre," he proceeds, "there are two other islands inhabited by coloured people and blacks, *like the people of the Canary Islands*, without law or knowledge, and they have no dealings with any other people."

The Berber origin of the Guanches, the original inhabitants of the Canary Isles, is generally admitted on the evidence of language alone. The Latin name for peas, *Punicum cicer*, is derived from the Berber word *ikiker*, used for pulse in general, and this was retained as *hacichei* by the Guanche inhabitants of Teneriffe.

The Guanche vocabulary is significant as to the character of the family relations. There are separate words for "legitimate son," "son of So-and-so," and "son of the first wife," and another for "daughter of the first wife."[2] Monogamy was the rule in all the islands; there was no difference of rank and no restrictions on marriage, except with a mother or sister. In the island of Teneriffe, however, the king was always obliged to marry a person of family equal to his own; and if such could not be found, he took his own sister to wife. At the time of the conquest, Gran Canaria was governed by two princes with a council of twelve, and the island of Palma was divided into twelve districts, each of which was governed by its own lord or captain. Courts of justice were held in a public place by kings and elders, and punishment was inflicted with the royal staff. As among the ancient Egyptians, the Babylonians, the Chinese, the Nabatæans, and the men of Malabar, it was the custom for every one to carry a long staff or pole.

The natives of Hierro lived in large circular enclosures, with walls of dry stone, each containing about twenty families. As among the Basques and Carians, the women ate apart from men and guests; and we can recognise the spirit of the common meals and the "distribution of meat" in the rule that when fish were caught, every woman in the island with young children received a share for each of them. Men meeting a woman

[1] *Description*, etc., by Duarte Barbosa, pp. 29, 30.
[2] *Histoire Naturelle des Iles Canaries*. Webb and Berthelot (1842), vol. i. p. 185.

were required to turn away respectfully, which was the note of a well-ordered State in ancient China. It was not lawful to enter a neighbour's house without invitation; the rules of propriety required those who had business to stand outside and notify their presence by whistling.

Like the Babylonians, the natives "held the sun and moon in great veneration, keeping an exact account of times in order to know when it would be new or full moon or other days of devotion."[1] Brothers and nephews succeeded in preference to sons, and the practice of lending wives, as a matter of hospitality, prevailed, as on the borders of Tibet and other primitive communities. It is probably in consequence of their archaic marriage law, and the fact that they were governed solely by democratic custom, that the Spaniards generally describe the Canarians as "having no laws." The Franciscan friar previously quoted, who seems to have sought candidly for information, describes them, on the contrary, as "remarkable for their good government, regularity, and strict administration of justice." They were loyal, and merciful, strictly faithful to all their promises, and treated prisoners with gentleness and humanity. They were social, cheerful, and very fond of singing and dancing.

The education of the young was cared for, and public opinion seems to have been controlled by traditional moral saws of the Chinese and Egyptian type. The writer, who has already observed that there are no distinctions of rank, proceeds: "Their manner of conferring nobility was very singular,"[2] consisting in a sort of public examination into the character and repute of a candidate. But the original statement is no doubt correct, and the only mistake lies in the supposition that there was any resemblance to a title of nobility as understood in Spain, in the public recognition of members of the community as persons having honour and esteem like the *timuchi* of Marseilles. A fragment of their moral teaching confirms the impression that practical influence was reserved to a kind of aristocracy of merit designated by common reputation, such as was the original guide of Chinese rulers in their selection of "superior men" to serve the State. "Be good, that you may be loved," it runs; "despise the wicked and deserve the esteem of good men, whose virtues and courage are an honour to their country."[3] The princes were required to take an oath to make their subjects happy.

Wise women occupied a position of authority, like the female judges of Ireland. The Spaniards owed their entrance to the island of Fuerta-ventura to two of those women, who persuaded the people not to resist the foreigners; they were a mother and daughter, and it was said to be the business of the one to settle and compose differences that might arise among the chiefs of the island, and that of the other to regulate their ceremonies.

[1] *History of the Discovery and Conquest of the Canary Islands*, by Juan de Abreu de Galindo (1632), tr. by George Glas (1764), p. 139.
[2] *Ib.*, p. 65.
[3] Webb and Berthelot, p. 140.

Glas, the translator of Galindo's history, adds on his own account that it was believed, in the middle of the eighteenth century, that a great deal both of Guanche blood and custom survived in the island, the most amiable traits of the popular character being derived from this source rather than from Spain. He was told that it was not uncommon for a lady to write proposing marriage, and if the person addressed "does not think proper to accept, he keeps it secret till death." On the other hand, "if a woman can prove that a man has, in the least instance, endeavoured to win her affections, she can oblige him to marry her." Both peculiarities date from a very early period and the very peculiar race, which allowed women to take whatever liberty or license they pleased, and yet held that they should be protected against any social injury arising out of sexual relations against their will. We have seen examples of this latter feeling in Egypt, and as the Canarians preserved their dead by a rude but effective system of mummification, no other resemblance can be thought surprising. In some of the islands the people dwelt in many-chambered grottos, like the Myrmidons, but the use of cave dwellings, as at Petra, and in the loess districts in China, is so dependent on the character of the rock or stone that it can scarcely be relied on as a race characteristic, as the remains of Cyclopean architecture may be.

# CHAPTER X.

## *MALABAR.*

If the comparative study of institutions were allowed to serve as evidence of co-equal significance with that of language and physique, the existence of a pre- or proto-Phœnician colony in Malabar is undoubtedly the first hypothesis that would suggest itself to explain the resemblance between Berber and Malabar usage noticed by the Arabs, and other equally notable similarities. On the face of it, of course, nothing is more probable than that "the first maritime and commercial people in the first ages of the world," when trading from the Persian Gulf to India, should have established a commercial colony on the Malabar Coast, which has been a thriving centre of Eastern and Western trade for fifteen centuries, according to what may be called modern evidence, and during that time has suffered so little change that we need have no difficulty in crediting it with a past of twice that duration.

The character of the earliest Malayali deeds, which do not go back beyond the 8th cent. A.D., resembles that of undeciphered inscriptions in Ceylon, and the language, according to Caldwell, is "practically Tamil:" it has, however, "always been a matter of controversy whether Malayalam is the mother, or sister, or daughter of Tamil,"[1] and the view that it is the archaic form of Tamil, before that became a written language, is certainly favoured by the archaic character of the national institutions. It is a branch of the Dravidian group of languages; but it is wanting in the verbal suffixes common to the Dravidian system of conjugation, and has fallen back, according to Dr. Caldwell, to a "condition nearly resembling the Mongolian, the Mantchu, and other rude primitive tongues of high Asia," while Mr. Logan adds the comment: "The complete disappearance of signs of personality in the Malayalam verb raises a doubt whether they were ever really adopted in the colloquial language."[2]

The word for peacock in the Hebrew books of Kings and Chronicles (*tuki, tūki*) has been derived from the old Tamil-Malayalam poetical name, *tokei*, the root of which varies between *tuk* and *tok*; and Caldwell also supposes the Greek name for cinnamon to be Malayalam.[3] A number of the names of places in S. India mentioned by Ptolemy end in ουρ or ουρα = *town*; and it has been proposed to identify the Greek name, Limurike,

[1] *A Commentary on Malabar Law and Custom.* By Herbert Wigram (1882), p. ii.
[2] *Malabar.* By W. Logan (published by the Government of India), vol. i. pp. 90, 91.
[3] *Comparative Grammar of the Dravidian Languages*, pp. 91, 3.

with *Tamilike* or the Tamil country. Other names given by Pliny and the Periplus of the Erythræan Sea have been plausibly identified with Tamil words or places; *e.g.* Automela, described by Pliny[1] as a noble emporium of trade on the confluence of five rivers, may stand for Ettu Mala (eight hills) or Attu Mala, river hill; while in the vicinity of Cranganore, which has always been an important trading centre, there is still to be found a village called Annanadi, *i.e.* Anja-Nadi, or the five rivers.[2] Pliny also names "the Nareæ, enclosed by the loftiest of Indian mountains, Capitalia," which may serve for the Nairs enclosed by the W. Ghauts, and beyond these "the Pandæ, the only race in India ruled by women."

The Periplus mentions among local articles of commerce the pepper of Kottanara (perhaps Kottaram or Kolâttanad), and names Naoura, a mart, and Mouziris, a seat of government in Limurike, the first of which names speaks for itself, while Mouziris has been identified with Muyiri-kotta, near Cranganore, the western capital of the Chera kings, whose dynasty was extinguished 824 A.D. Mouziris is described as "a city at the height of prosperity, frequented as it is by ships from Ariake and *Greek ships from Egypt*."

The same writer has already explained that this Eastern trade was not begun by the "Greek ships from Egypt" which carried it on in his day, and we have every reason to believe it to have originated with the earliest founders of South Arabian trade and navigation. At the present day an important part of the population of Malabar consists of Moplahs or Mapíllahs, who are regarded as the descendants of Arab traders by the women of the country. This class follows many of the most characteristic native customs, and the obvious explanation of its existence is that it is the product of a virtually continuous stream of migration from South Arabia, corresponding to that which has peopled Abyssinia, Somali Land, and North Africa generally with semi-Arab stocks.

The Nairs are supposed to have entered the country before the Nambutiri Brahmins, but neither are regarded as belonging to the original inhabitants, who form the inferior castes. Mr. Wigram says of the Nairs: "All that can be predicated of them with any degree of certainty is that they were serpent worshippers, that they practised polyandry, and that their land tenures point to a distinctly military organization;"[3] and all of these traits are shared with primitive Arabia.

There is no indigenous Malayalam word for caste, and the language of the inhabitants of Minicoy, the most isolated of the Laccadive group, where customs even more archaic than those of the mainland have been preserved, is quite peculiar, only resembling Malayalam in the absence of personal suffixes to the verbal tenses. Their notation is duodecimal, that is to say, they count from *ekke*, 1, to *doloss*, 12; doloss ekke is 13, *phasihi* is 24, phasihi ekke 25, and so on; 36, *tindaloss*; 48, *phanaos*; 60, *phattaloss*; 72, *phahitti*; 84, *haidoloss*; 96, *hiya*, while for 100 there are two words, *satti-ka*, and *hiya hattari* or 96 + 4.

[1] *Nat. Hist.*, vi. 23, § 5. [2] Wigram, *Commentary*, p. ix.
[3] *Ib.*, p. ii

Now it is inconceivable that a duodecimal notation should have been invented by a simple race of boatmen, with nothing in particular to count except their dried fish and cocoa-nuts; still to count by twelves is an art that might have been learnt, perhaps from more than one quarter. But the sexagesimal system of ancient Babylonia is absolutely unique, and where we meet with living traces of that most elaborate and scientific system of calculation, it is surely easier to believe in its transmission than in an independent creation. In Malabar the day is divided into sixty portions of 24 minutes, each called a nāliga; these are subdivided into sixty vināligas of 24 seconds, and each of these into sixty "long letter utterance times," equal to two-fifths of a second each[1] Can we doubt that this translated fragment of "the wisdom of the Chaldees" was dropped on the coast of India by some prehistoric ships of (eastern) Tarshish, especially when numbers of the same type are found recurring in the political constitution of the people?

Before the British occupation, the Nayars or Nairs were at once the militia, or warrior class of the country, and the leaders or protectors of the people.[2] "Originally, they seem to have been organized into 'Six Hundreds,' and each six hundred seems to have had assigned to it the protection of all the people in a Nād or country. The *nad* was in turn split up into *taras* . . . the *tara* was the Nayar territorial unit of organization for civil purposes, and was governed by representatives of the caste, who were styled Kāranavar or elders. The six hundred was probably composed exclusively of these elders, who were in some parts called chief men or mediators. . . . There seem to have been four families of them to each tara,"—as there were four quarters to the Egyptian *nouit*, the Suan village, and the oldest Babylonian cities.

We have already noticed the mention of "sixty houses" in an early Babylonian inscription, and that of a "Chief of the Six Hundred of the Country" in a later document. And it is doubtless an ancient tradition which points in Malabar to "a period when a sixth share of the produce was paid as a kind of protection fee to a constituted body of police."[3] The rule that demands the presence of six witnesses to the rarest and most momentous of all contracts, the final sale, without option of redemption of landed property,[4] is no doubt connected with the same set of associations, and it is noticeable that in Egypt—where witnesses to the sale of real property were still more numerous—the minimum number for other contracts was still fixed at six. The 600 elders of course recall the *timuchi* of Marseilles, who were of that number, which may be made up by sixty multiplied by ten. There is a hint at the existence of this latter small group in the proverb, "If you associate with one who has no friends, you will lose all your nine friends, and at last yourself,"[5] which seems to imply that respectable members of the community had normally nine friends, forming, with themselves, a "tithing" like that of the Chinese. Another pro-

[1] *Malabar*, i. p. 159; ii., *Appendix*, xi. p. cx. [2] *Ib.*, i. p. 131.
[3] Wigram, p. xv. [4] *Ib.*, p. 54. [5] *Malabar*, vol. ii. p. 105.

verbial Tamil expression, "We must do as ten people do," points in the same direction. And the history of the epithet, "Son of ten fathers,"[1] still common as a term of abuse, may not be quite unconnected with the other two phrases. The form of adoption "by ten hands" may be named from analogy, but the "ten hands" only represent five persons.[2]

There are three special points of interest in the customs of Malabar. The character of the political constitution, that of the domestic customs or marriage law, and the system of land tenure; while there are two elements to be considered in the second branch of the subject, viz. the powers of the eldest member of a family group to administer its joint property, and the curious system of descent through women called Marumakattayam, or "sister's son's inheritance."

It is impossible to understand the character of any one of these peculiar traits without some knowledge of their history; while if their history goes back as far as has been suggested above, it cannot be traced with any certainty. All that the scope of the present work will admit is to bring together the best description of each institution as seen to work by competent observers, giving precedence to the older European travellers, who had the advantage of writing before European influence had exercised any modifying effect on the customs they describe.

An East India Company linguist in 1746 writes: "These Nayars being heads of the Calicut people, resemble the parliament and do not obey the king's dictates in all things, but chastise his ministers when they do unwarrantable acts." Thus, from the earliest times, says Mr. Logan, "down to the 18th century, the Nāyar tara and Nād organization kept the country from tyranny and oppression, and so secured the prosperity of the Malayali people and the importance of Calicut as an emporium for trade between east and west." An Arab writer in the middle of the 15th cent. A.D. wrote of Calicut in terms such as we shall find habitually applied to China: "Such security and justice reign in that city that rich merchants bring to it from maritime countries large cargoes of merchandise, which they deposit in the streets and market places," and leave it without further guard than the customs officers, who take a duty of 2½ per cent. if it is sold, "otherwise they offer no kind of interference."[3] The same author records two other noteworthy traits, "that vessels shipwrecked on the coast of this country are not confiscated," and that "no one becomes king by force of arms;" while the native history, the Keralolpatti, or "Origins of Kerala," preserves a variety of legends concerning the security and justice to which the resort of merchants to Calicut was due.

Visscher's *Letters from Malabar*[4] describe the working of the quasi-parliamentary or constitutional checks upon the arbitrary power of the Rajahs. The general assemblies of the nation—which are, however, but

[1] Wigram, *Commentary*, p. iii. [2] *Ib.*, p. 4.
[3] Sir H. Elliot, *Hist. of India*, iv. p. 98.
[4] Written in the first half of the 18th cent., and translated by H. Drury (*Hakluyt Soc.*), p. 76.

seldom held—are of two kinds. In those summoned by the Rajah the Nairs keep guard round the Assembly, and "propositions are discussed and measures rejected or adopted by unanimous silence or clamour. But in affairs of minor importance, not affecting the welfare of the whole community, the chiefs of the nation are alone summoned and decide the question," *i.e.* the senate or elders decide matters of minor importance, while others are submitted to the general Assembly, who, like the Spartan Assembly, accept or reject, but apparently do not initiate propositions.

"The assemblies collected by the will of the nation are conducted in much the same manner, but with more impetuosity. These are never held except in cases of emergency, when the rajah is guilty of extreme tyranny or gross violence of the law. Then all the landed proprietors are bidden to attend, and any one who dared refuse to obey the summons would be subjected by the assembly to the devastation of his gardens, houses, estates, tanks, etc. . . . The rajah has no right to attempt to put these assemblies down by force of arms, and besides, so many thousands flock to them that he would find difficulty in doing so if he tried."

In complete harmony with this, in 1804, Lord Wm. Bentinck wrote that all authorities were agreed on one point respecting the inhabitants of Malabar, and that was with regard to "the independence of mind" of the inhabitants; they are also "extremely sensible of good treatment and impatient of oppression," have a high respect for courts of judicature, and are "extremely attached to their customs."[1] To this we may add that, so long as their customs and customary liberties are respected, they are indifferent to the person or nationality of their nominal sovereign, and they will not fight for political independence so long as they are secured against social molestation.[2]

What may be called the Lycian or Lydian side of the Nair institutions is forcibly described by Barbosa, but it must be remembered that the state of things he witnessed in the sixteenth century co-existed with the same family system as that which still prevails, and is compatible with virtual monogamy. After describing the fair complexion of the kings of Malabar —"brown, almost white"—he says: "They do not marry nor have a marriage law, only each one has a mistress, a lady of great lineage and family, which is called Nayre, and said to be very beautiful and graceful Each one keeps such a one with him, near the palaces in a separate house, and gives her a certain sum each year or each month for expenses, and leaves her whenever she causes him discontent and takes another. *And many of them for honour's sake do not change them*, nor make exchanges with them. . . . The children born of these mistresses are not held

[1] *Malabar*, i. p. 217.

[2] Tamil villagers have a proverb: "What does it matter to us whether Rama administers the country or the Rakshasas," which explains sufficiently their acquiescence in the English Raj. (*Life in an Indian Village*, by T. Ramakrishna, p. 95.)

to be sons, and do not inherit except the property of their mother, but the king sometimes makes grants of money to them for them to maintain themselves better than the other nobles . In this wise the lineage of the kings of this country and the true stock is in the women . . . . The king's sisters, whose sons succeed him (after his brothers) do not marry, nor have fixed husbands, and are very free and at liberty in doing what they please with themselves"[1]

This liberty no doubt included the right of being constant when they pleased, as well as of exercising the kind of liberality attributed by Strabo and Herodotus to the Armenian and the Lydian women[2] But it is probable that at all times, as now, the combined influence of natural affection and proprietary interests tended to make virtual monogamy commoner than was understood by travellers, who were shocked at learning that marriage, in the sense of an obligatory bond, did not exist Constancy would sometimes be secured by the inclination of the woman, and sometimes by the interest of the man Property coming to a woman from different husbands was divided equally among her children,[3] and therefore any father who wished his own children to inherit, had an interest in retaining his wife's affections for their sake, as in other cases for his own

Barbosa's account of the provision made for the king's children has been mentioned already, and contemporary observations in Malabar help to explain why the consolidation of political authority should have been particularly difficult or impossible in communities starting with such a law of inheritance Mr Logan writes of "a very powerful influence which was, and I may say still is, always at work tending to the disintegration of Malayali families and Malayali inheritances A Malayali king's natural heirs were his sisters', aunts', or female cousins' children His own children were the heirs, not of their father, but of their mother But from natural affection a suitable provision would always be made for the mother of the king's children and her offspring, and this provision often took the form of a grant of territory" Similarly it was observed at the beginning of the last century that the Rajahs were generally poor at their accession, because their predecessors were careful to distribute all their property before death among their nearest relations, to the exclusion of the heir.

There was thus a double influence at work in favour of the equalization of property, and against the concentration of power Authority was bequeathed by those who did not exercise and could not increase it, and those who did exercise it had the strongest motives for doing so to the advantage of others than their legal successors With regard to Egypt, it is only a matter of inference that the system of inheritance was adverse to the establishment of a hereditary aristocracy, just as it is only an inference that the object of Egyptian husbands, in giving all their property to their wives, was to secure its transmission to their children But the

[1] *A Description of the Coast of East Africa and Malabar*, p 105
[2] *Ante*, p 457
[3] Rev S Mateer, *Native Life in Travancore* (1883), p 173

inference in both cases gathers strength from the fact that the actual sequence of events in Malabar is exactly like that supposed to have occurred in Egypt, where the record is fragmentary.

The Nair law of marriage and inheritance, though eccentric, is not difficult to understand up to a certain point. Polyandry, in which the Nairs used to resemble the Nabatæans, is declining, not to say obsolete.[1] Girls are free to choose their own husbands, and a marriage is effected when the man gives and the girl receives a piece of cloth in the presence of her relations. If they wish to separate, the woman returns the cloth.

This "giving cloth," which most of our authorities seem to regard as such a peculiarly inadequate marriage rite, goes back to the time when cloth was comparatively rare, clothing by no means a matter of course, and therefore the undertaking to provide a woman with the essential articles of personal attire, permanently or till further notice, both represented and symbolized the acceptance of a peculiar responsibility towards her. This was clearly the case in the days of Ptah-hotep, and the survival of special allowances for this purpose at Marseilles and Gortyn, long after Greek influence had modified the ancient custom on most other points, tends to show that there was still a traditional feeling about such gifts being essential to a legitimate union. A woman was not married unless her consort contributed, in fixed customary ways, to her support, just as subsequently it was essential to any respectable marriage for the woman to have brought a dowry.

In Malabar, we are told, "women are generally supplied by their husbands with new cloths at the Onam festival about September, and at Bharani in March. . . . If the customary presents be not given on those days sometimes the women of the Sudra . . . and other concubinage castes, will forsake their man and go with others."[2] But if the institution has the affinities above suggested for it, the use of such disparaging terms is uncalled for, and it should rather be said that the marriage contract is broken when the husband ceases to make the customary allowance to his wife, and she then becomes free to marry again.

The form, or informality, of Nair marriages has nothing to do with the position of the father and mother in the family, and the mode adopted of tracing descent and bequeathing property. "The husband," we are told, "occupies no recognised legal relation involving rights or responsibilities in regard either to his wife or his children," not because he is unknown or his identity doubtful, for even if several brothers had the same wife, the children would be readily attributed to the eldest, but simply because this particular stock started with the idea that families were derived from the mother, or remoter female ancestress. The description which follows is taken almost verbatim from Mr. Logan's valuable work.[3]

[1] The marriage tie, according to Mr. Wigram (*loc. cit.*, p. iii.) is nowhere "more rigidly observed or respected than it is in Malabar; nowhere is it more jealously guarded or its neglect more savagely avenged." Cf. S. Menon, *Hist. of Travancore*, p. 77.

[2] Rev. J. Abb, *Twenty-two Years in Travancore*, p. 200. [3] Vol. i. p. 152 ff.

A Malayāli tāravād or tarwād corresponds pretty closely to what the Romans called a gens, except that, in Malabar, the members of a tarwād trace their descent in the female line only, from a common ancestress. All tarwāds of influence set apart property for the common use, and in an Arab description of the peculiar marriage customs of the Nairs in the sixteenth century, it is stated that the object of not allowing the children to inherit their father's estates was to prevent the alienation of the family property. So long as this common property exists, any number of families may hang together and form one tarwād. But the conception of what constitutes a family is peculiar; if we suppose A to be a common ancestress with three sons, X, Y, and Z, and three daughters, A, B, and C; X, Y, and Z, are members of A's tarwād, just as the sons of a Nabatæan mother owning a tomb are entitled to be buried therein, but their children never come into the tarwād (or tomb), nor stand in any recognised legal relation to either their father or the property of their father's tarwād. But the daughters and *their* families and descendants in the female line may belong to A's tarwād till it is broken up and its property divided.

The highest classes pride themselves on maintaining a large common stock and hold together as long as possible, but even among them the tarwād gets split up into subordinate divisions known as *tavalis*, or branches, answering to the branch families founded by younger sons in China. One way in which this occurs is that a member of the tarwād, with, perhaps, some assistance obtained from his father (who, as already said, stands in no legal relation to his son), sets up housekeeping on his own account apart, taking with him one or more female relatives, usually a sister or sisters, and thus forming a separate branch of the tarwād. In a case like this a sister might be "lady of the house" in the Egyptian sense, even though the brother had married somebody else, and there can be little doubt that the peculiar rôle of the sister in Egypt was dictated by primitive custom of the Nabatæan and Malayali type. If an heir is wanted, a sister must be adopted to give birth to one.

A still more usual way of founding a new tavali, is for a female of the tarwād to leave the tarwād house to live with the husband of her choice, in a separate dwelling, prepared on purpose for her by her husband. This house is usually conveyed to her in free gift, and there she settles down to rear her family which constitutes a branch of her tarwād. It has not occurred to these conservatives that any one save a *mater familias* can be a householder. The property acquired by such a tavali has been usually regarded as the separate property of its members, and not as part of the common stock of the tarwād, but the English courts have latterly tended to treat all property as common unless a formal division by deed has taken place. A man's acquisitions during his own lifetime therefore descend at his death to his tarwād, and not to his own children. But

"Now that a Nayar usually marries one wife, lives apart with her in their own house, and rears her children as his own also, his natural affection comes into play, and

there is a strong and most laudable desire for some legal mode, other than those at present recognised, for conveying to his children and their mother all his self-acquired property. *At present he can only convey to them his property by stripping himself of it, and making it over to them in free gift during his own lifetime.* And this he is naturally reluctant to do for many and obvious reasons. He is in a thoroughly false position, for if he obeys his natural instincts and gives his property away in his lifetime to his wife and children, he becomes a beggar, and is taken to task by his lawful heirs; whereas, if he hesitate to do it, he incurs the displeasure of his own household," [1]

—and of course, more especially of his sons, since his daughters will inherit a share in the house and whatever else their mother has to leave.

We see here in actual operation the motives attributed hypothetically to the Egyptian husband and father, to explain, on the one hand, the marriage settlements in which the husband despoils himself of everything for his wife's endowment, and, on the other, the practice of unions between brother and sister. There does not seem to have been any tyrannous organization, like the tarwād, in historical Egypt, forcing the property of the father away from his sons to his nephews, as feudal law forced the property of the father away from his daughters. But it is possible that, by ancient custom, property passed to the daughters, unless the custom was barred by positive contract in the interest of all the children, with the first-born as their representative. This would account for the frequency of inheritances derived from the maternal grandfather; for it is evident that customs so little to the advantage of the real *pater familias* could only have been acquiesced in for so many ages, if they were found in practice compatible with the free use of the household property by its joint chiefs.

In Malabar, the property of the ancestress is supposed to pass to her daughters' sons instead of her sons' sons, but in fact, the former class of grandsons inherit no more than the life interest enjoyed by the sons themselves. And so in Egypt the husband of an heiress, though nominally passed over, probably exercised just the same degree of control over the joint estate as the son whose right derived from his mother. The habit of dividing the inheritance in each generation grew up naturally in Egypt, where it was usual for the natural family to live together, while in Malabar, as in China, the association of several generations of cousins with a joint interest made it imperative at least to keep out relations by marriage.

When family life and family affection were as fully developed as in Egypt, it became impossible to retain any non-natural method of dividing the parents' property between the children, such as would occur constantly if men could only inherit from their mothers or bequeath property to their daughters. The intense conservatism and practical considerateness of the Egyptians, made them acquiesce for ages in the device which the Malayali are beginning to find irksome, especially as their sense of its real inconveniences is quickened by the contrasts it affords to English, Mahomedan, and Brahminical law.

Of course there are two sides to the anomaly, and the husband who has a grievance because he has no power over his own children, may mean-

[1] For legislative proposals in relief of this grievance, see App. G.

while be acting as maternal uncle, or head to the families of other men. Mr. Abbs quotes the case of a Nair who cried at his nephew's, not at his wife's death; the latter he could easily replace, but the loss of the former might cause the family property to fall into neglect. The man in this case lived in his own family house with the nephews, so that there was the "companionship of the cupboard" to justify the preference felt for them. A native writer on the law of inheritance says of the Iluvars, a caste of Cingalese origin: "If one marries and gives cloth to an Ilavatti female and has issue, one-tenth of their joint earnings is regarded as the fruit of the husband's labours, and of the rest, half goes to the woman and her children and half to the husband and his heirs."

Some of the inferior castes, who are supposed to be derived from the indigenous population, follow the system of sisters' son's inheritance, complicated by exogamy; that is, they are divided into *illams*, or houses, members of which do not intermarry.

And the general rule forbids all marriage with relations on the mother's side. Even a European education does not at once induce the natives to renounce their ancestral modes of thought. Mr. Shungoony Menon, a Nair gentleman, and the author of an English History of Travancore, defends this system on the ground that "The reckoning of blood relationship through the mother is more natural than through the male parent; the latter is rather by a legal rule. Among animals the mother alone cares for the progeny. Amongst men we find by experience that commonly the mother has more affection for the children, the father a little less."

Ancestral property, and that acquired by a man before marriage, goes to his tarwād, and of that earned during marriage, half is commonly given to the wife and her children, and half to his sister's children. Marriages between a rich woman and a poor man seem to have been arranged upon terms closely resembling the Egyptian marriage contract, in which the husband receives a dowry, except that there is no penalty or compensation provided in case of divorce. A respectable poor man described to a missionary how he was engaged by two rich men of his own caste to be their sister's husband. "As they did not wish to give me a dowry, or to let their sister leave them, it was agreed that I should have a monthly allowance, go whenever I pleased to see my wife, and, when at the house of her brothers, eat in common with the males of the family," [1] who, it thus appears, ate apart. He was disappointed to find this arrangement did not last, and was told by the brothers that another husband had been chosen. They took his two children to bring up as heirs to the family property.

Mr. Mateer describes the Malayalam Brahman system as "primogeniture run mad," and in a long list of customs, mostly trivial, regarded as peculiar to the Brahmins of Malabar, we find the following: "The eldest son alone is entitled to legal marriage." Barbosa's account, which, as the earliest, is

[1] *Twenty-two Years in Travancore*, Rev. J. Abbs, p. 181.

always to be preferred, says that: "They marry only once, and only the eldest brother has to be married, and of him is made a head of the family, like a sole heir by entail, and all the others remain bachelors and never marry. The eldest is heir of all the property." A native writer, quoted by Mateer,[1] describes these domestic arrangements as follows: "The younger brothers are to remain unmarried, to aid the increase of the family estate as much as possible, and to honour and obey the elder like a father. The eldest alone has authority over the family and the property; the younger ones have merely daily subsistence (for which they have a right to sue), and the property can never be divided. But if the family be numerous, and one brother wishes to separate and live apart, the elder brother should give him a share sufficient for food and clothing, or may make a regular allowance for this." These so-called Brahmins, who have all the Brahminical virtues and are considered as peculiarly pure and holy, are probably not Brahmins at all. Their proper name is Nambutiri or Namboori, and at the present time only the eldest son is allowed to marry in his own caste, though younger sons are allowed to form connections, which entail no proprietary consequences, with Nair women.[2]

The mother governs the whole household, frequently consisting of twenty to thirty persons, settles all disputes, and rules over her grown-up sons, who do not sit in her presence in public; and all the Malayali chiefs' houses are still, theoretically at least, subject to the eldest lady in each.[3] The state of things in Malabar is thus one which would amply justify a traveller's tale of a land where women exercise authority over men, and the remarks of this kind made by credible writers of antiquity, whether respecting Sparta or Lycia, the Egyptians or the Amazons, may be taken as referring certainly to communities of the same kind.

The point, which mere observation from outside fails to clear up, is: In what sense property can be said to pass to sisters' sons in communities in which family property is held jointly? The Malayali—at least under English rule—are litigious, and the chief character in their lawsuits is the *Karnavan*. And it is possible that if we knew the past history of this personage for the last four thousand years, we might find in it the key to all the idiosyncrasies of Egyptian marriage law. His present position is, any way, an essential feature in Malayalam law and custom.

The Karnavan is simply the senior member of the Malabar family community, the administrator of the family property, and the natural guardian of every member within the family group. His *status* has been the subject of much discussion in the English courts; he is not a trustee, because he has "an almost absolute control over the distribution of the family income and the family expenditure,"[4] and he may do anything—except sell the

[1] *Native Life in Travancore*, p. 170.
[2] Cf. *Barbosa*, p. 121.
[3] Abbs, *loc. cit.*, p. 210. Logan's *Malabar*, i. p. 247.
[4] Wigram, *Commentary*, p. 17.

family land—which a private owner can do, provided his acts are done *bona fide* on behalf of the family, and not for his own personal advantage at its expense.

Practically, at the present time, these powers are exercised by the senior male of the tarwād, though there are some Sudra families in which the management is vested in the senior female; this is especially the case with the *Kovilagams*, or princely houses, in which the primitive custom is likely to be best preserved. The property is vested in the Karnavan for the common good of all, and is indivisible. The rights of the junior members are to succeed to the headship by seniority and to be supported in the family house. The senior Anandravan, at least, must be consulted to legalize the sale of family land, though, apparently, such an act may be sanctioned after the event, if it is proved to have been necessary for the family welfare. Members of the family thus, as Mr. J. D. Mayne expresses it,[1] "have *rights out of the property*" rather than "*rights to the property.*"

English judgments recognise expressly the double claims of seniority and female descent. "In the Karnavan is vested actually, though in theory in the females, all the property, movable and immovable, belonging to the Tarwad."[2] And again, "The legal right to the family property is vested in the female members of the family jointly, but for little other practical purpose than regulating the course of succession."[3] The history of this apparent halting between two opinions is probably to be found, as Mr. Wigram suggests, in the gradual substitution of the Tarwad for the Tara—of the family for the village group. Traces still remain of the periodical redistribution of land and the custom of cultivating fields in rotation. And the system of "Common cultivation of the fields," of which the memory was cherished in Chinese classical tradition, combines easily enough with a rule of descent which makes membership of the village group depend upon the mother. At the present time 'persons claiming membership in a Tarwad, in which they were not residing, must prove that they were descendants of the mother, grandmother, or great-great-grandmother of some of the existing members."[4]

The Tarwad is a larger group, less closely related than the Basque family, but the Karnavan holds in it exactly the position that the *seigneur* occupies in the latter, though he succeeds to it by a more archaic[5] and, as we think, less natural title. At the same time the similarity between the actual position of the Basque junior (esterlo), and that of the younger sons of the Nambutiri Brahmins may be taken to show that the Nayar and Nambutiri customs are really only variations upon the same archaic theme. And, after contemplating all these developments of the two leading ideas—seniority and female descent—the conviction grows upon us that the

[1] *Hindu Law*, § 264. Anandravan (pl. Anandravar) means "next relation," successor or heir. [2] *Commentary*, p. 22. [3] *Ib.*, p. 34. [4] *Ib.*, p. 10.

[5] The passage in Strabo (xvi. iv. 3), on the rule of succession in S. Arabia, may be a distorted account of a similar succession by simple seniority.

historic family must have started from a similar origin. If so, the important place assigned to the eldest son, in the religious texts and domestic customs of Egypt and Babylonia, must date from a prehistoric innovation : the constitution of the natural family with the eldest son (or child), as Karnavan—or managing director—in the place of a communistic village, governed by the elder sons of women of chosen birth.

The difference between Basque and Malabar custom as we know them is that the Basque head of the family community is (or was) urged by custom and natural feeling to make the interest of the family his or her chief concern. Heirs and heiresses scorn delights and lead laborious days in the never-ending task of portioning cadets out of savings which shall leave the family capital unimpaired, to serve the same purpose for future generations. The Malabar Karnavan, selected by the mere accident of survivorship, is an old man, whose wife and children have absolutely no interest in the fidelity with which he discharges his trust. On the contrary, his easiest way of enriching his own natural family is to defraud the family community of which he is the legal head. In the one case, the evils of a somewhat arbitrary privilege are minimized, by the necessity for unselfish effort, which circumstances impose upon the *seigneur*. In the other, the senior member of the family has no inducement, except the force of custom and public opinion, to discharge the duties of a purely artificial post.

The comparison of the situations has a more than speculative interest, because there is a demand for some sort of marriage law reform in Malabar, which shall enable fathers to enrich their children by lawful bequests, instead of fraudulent donations. And the failure of the Ptolemaic legislation in Egypt warns us that it is only possible to alter ancient custom for the better by adhering to its own natural line of development. The proof that the Basque family represents a higher stage of development of the Malabar family community is furnished, curiously enough, by Tibetan custom, which retains some of the features peculiar to the Basques, along with others even more archaic than the usage of modern Malabar.

"The custom of polyandry," writes a recent traveller,[1] "is intimately connected with the law of entail which prevails in Ladak. This ancient Tibetan civilization has developed a system of land tenure almost as complicated as our own, and which is admirably adapted to maintain the prosperity of the cultivator, despite the natural poverty of the country.

"The first curious point to notice in this system is that the eldest married son of a family is placed in a better position than his own father, and is practically the head of the family. For as soon as the eldest son marries, he enters into the possession of the family estate, a small portion only being retained by his parents for the support of themselves and their unmarried daughters ; and that portion also becomes the property of the eldest son on the death of the parents and marriage of the daughters. But the eldest son, when thus marrying and taking possession of the family

[1] E. F. Knight, *Where Three Empires Meet*, p. 138 ff.

estate, is obliged to support the two sons next to himself in age; and these two are not allowed to contract independent marriages, but share the wife of their eldest brother, becoming the minor husbands of that lady.[1] The children of this strange union recognise all three husbands as father, but pay more respect to the eldest as head of the family. If there are more brothers than two, the others do not share the family wife, but have to leave the estate and seek their fortunes ouside, becoming lamas, or earning their living by working as coolies, or, if they be fortunate, as *magpas*; and what the profession of magpa is, I shall presently explain.

"The two younger brothers, though minor husbands to the wife, are always in an inferior position, and are often little better than servants to the elder brother. . . . If there be no son, the eldest daughter inherits the land. . . . The happy heiress of Ladak does not, unless she wish it, marry an eldest son and his two younger brothers with him according to the system I have just described; but if she prefers it—and she generally does prefer it—she enters into another kind of marriage contract, with one man at a time: a contract which, so far as she is concerned, binds with no strong ties, but which is recognised as being quite respectable, and for which the lamas have arranged a special religious ceremony. The lady selects some—according to Tibetan standard—well-favoured younger brother of a large family, who, therefore, has no interest in the lands of his family, or share in his eldest brother's wife, and she makes this person her magpa, as this sort of husband is called. The magpa husband of an heiress has to behave himself if he wishes to retain his position. He is the property of his wife, and cannot leave her, except in the case of gross misconduct on her part. But if she is displeased with him, she can turn him out of doors, and be rid of him, without any excuse or form of divorce. Ramsey says she generally gives him a sheep or a few rupees when thus discharging him. She is then quite free to take unto herself another magpa."[2]

The succession of the eldest son to the position of head of the family on his marriage is almost as peculiar to Basque custom as the companion institution of the heiress-ship of eldest daughters. This heiress-ship has to be recognised in Tibet, where the marriage system tends to reduce the number of children, in order to prevent the constant extinction of families. And the Ladak magpa explains the origin of that most singular and serviceable of the Basque customs,—the rule by which heiresses and heirs are required to espouse the *younger* children of other households. In Tibet the only families likely to be rich in younger sons would be those in which practical monogamy prevailed, so that the Basque rule would serve in every way to counteract the ill effects of the national usage. And the traditions of some kind of communism among the Iberians make it reasonable to suppose the family law of the modern Basques to have started from the

[1] The Spartan lots were supposed to suffice for the maintenance of three men at the *Syssitia* (*ante*, p. 484), but this may be only an accidental parallel.

[2] For an exact parallel to Nabatæan custom (Strabo, xvi. iv. 25), cf. *ib.*, p. 150.

same point as that of Malabar and Tibet; though it has gradually dropped the archaic features which were inconsistent with monogamy, while retaining all those conducive to a disinterested devotion among all members of the family to its joint and common interests.

While Malabar and Ladak illustrate the evolution of Egyptian and Basque family life, the Thesawaleme[1] of Ceylon throws some light on the enigmatic fragments of Greek and Syrian law, which it has been proposed above to regard as the remains of a similar body of custom at an advanced stage of disintegration. These "laws and customs of the Malabars of Jaffna" were collected for the Dutch Government in 1707 by a certain Claas Isaaksz, "after an experience of thirty-five years, having been for the most part of that time amongst the natives." And they show the line which primitive Malabar usage tends to take when the natural family is allowed to supersede the tarwad, without there having been any other material change in the traditional conception of the relation of the two parents respectively to the children of a marriage.

"Hereditary property," or that brought by the husband, "dowry," or that brought by the wife, and what is acquired during marriage, are sharply distinguished. And on the death of the father the "hereditary property" is divided, exclusively, among the sons.[2] Originally the daughters received their dowries out of the dowry of their mother, and sons and daughters both shared in the "acquisitions" of their parents, the daughters, however, having the larger portion. When the law-book was compiled, this distinction was no longer rigorously observed, and dowries were paid from all three sources indifferently. A bride's dowry was frequently increased by special gifts from near relations on either side, but it might be said here, as in East Africa, that the father is not bound to give anything to his daughter, though he may do so, as a token of affection, if he pleases.

Unmarried sons bring all their earnings into the family purse (with the quaint exception of the personal ornaments actually worn by them), but they may retain for themselves, on their marriage, presents made to them as bachelors: a provision which clearly points to a state of things similar to that contemplated in the Syro-Roman law-book.[3] In Ceylon it is laid down that a childless couple may not make presents to nephews or nieces "without the consent of the mutual relations;" and if such consent is given, still, in default of donee's heirs, such gifts return to the heirs of the donor. The numerous provisions respecting second marriages help to explain the principles upon which the respective properties of the parents are divided among the children. "When husband and wife live separately on

[1] J. D. Mayne. *Hindu Law*, p. 37. *The Tesawalamai*, reprinted from the translation of H. F. Muttu Khrishna, 1891.

[2] One is tempted to ask whether the Laws of Justinian concerning Armenian succession (Ed. iii. and Novell xxi.) can have been directed against some similar usage among the original men of Van. Daughters, it was decreed, should share with sons even χωρία χενεαρχικά (*Études d'histoire du droit*, R. Dareste, p. 121); and if sons only had done so by native usage, it may have been because the "hereditary property" was limited, as in Ceylon, and the daughters provided for more liberally in other ways.

[3] *Ante*, p. 488.

account of some difference, it is generally seen that the children take the part of the mother and remain with her." In case of such disagreement, the husband is not allowed to alienate any part of the wife's dowry, though, while they are good friends, he is not forbidden to alienate "some part," *i.e.* probably a reasonable amount for some sufficient cause. In the same way the husband, it is said, may give away one-tenth of his hereditary property without the consent of his wife and children, but not more. The precise fraction doubtless represents the limit which public opinion thought fit to set to the discretion of persons who might occasionally be tempted to prefer their own wishes to the family wants, but the restriction shows joint ownership of the Egyptian type to have been the rule.

If the father dies leaving young children, the mother retains all the property, but must dower the daughters when marriageable. The sons have no claim till the mother's death. If the mother marries again, she must dower the daughters of both marriages herself out of her own dowry; and the sons of the first marriage can claim their father's hereditary property and so much of his share of the acquisitions as has not been spent on their own sister's dowry. On the death of the mother, the sons of both marriages divide her share of the acquired property left at the close of the first marriage; and if it has diminished in amount during the second marriage, the second husband must make good the deficiency. The sons of the second marriage similarly inherit from their father's hereditary and acquired property.

If the mother dies first, the father retains the whole estate while single, having the same duties as a mother towards the children, for this is a community in which, as at Ephesus, parents "owe dowries to their daughters." If he marries again, he gives up, for the benefit of the children, the whole of their mother's dowry and half the acquisitions of the marriage. The sons either share or hold jointly what is left from this after dowering the daughters, but they have no claim on their father's property till his death, after which his hereditary property is halved between the sons of the two families, who thus share *per stirpes*, not *per capita*. An unmarried sister with married brothers may claim to have their parents' property divided; to which the brothers generally object, as her share is the larger, and they are not her heirs. Brothers inherit from brothers, and sisters from sisters; that is to say, the shares of the sexes are regulated by the original number of sons and daughters born, and the survivors of each sex divide its share. If the unmarried sister remain with the brothers, living at their expense, they retain everything on her death; but anything given to her, as it were in lieu of dowry, would pass to her sisters, and so out of "hereditary property."

If there are no children, the property of both husband and wife reverts to their respective "belongings;" and it is expressly stated that if the childless husband has given part of the acquired property of the marriage to his own family, his wife's family have a first claim against his estate for a corresponding share on his death.

The difference between Ceylon and Malabar custom seems to be that

the former gives men and women, as it were, a life-interest in their own possessions, subject to certain indefeasible rights of daughters, but without prejudice to the reversionary rights of, first sons, and then kinsmen in general. In Malabar this life-interest is restricted to personal acquisitions, and the difference is clearly due to the breaking up of family groups of the tarwad sort into separate natural families, ruled and maintained by their natural heads. The rights of the *epiballontes*, the kinsmen or "belongings," which are so much insisted on in the Gortyn code, can be understood as a survival from a time when all family property was actually enjoyed collectively by a family group; but they are too strictly interwoven with ideas of close family relationship for them to be derived, by any clearly conceivable process, from merely tribal rights or relationships. And it will probably be admitted that no history of an institution can be exact and complete which does not explain the fact of its existence and the manner of its growth.

The cases in which disputes are mentioned as arising seem to indicate a stronger feeling in favour of the claims of daughters than the strict rules of custom enforced. For instance, parents were in the habit of settling so much of their joint property on their daughters, that the fraction left to be shared between them and the sons, on the parents' death, was so small that the half-share of the sons was reduced to a trifle not worth having. In other cases the sons were said to persuade their parents to divide the property in their own lifetime, after which they would complain if the parents mortgaged it for the benefit of married daughters. At this point, again, we may imagine a point of contact between legal custom in Greece and Ceylon. At Myconos[1] marriage settlements were registered because they commonly took the form of charges on land; that is to say, the daughter's portion was secured by an antichretic mortgage, or sale with power of redemption. Unless such transactions were registered, as well as leases or sales upon other considerations, the publicity given (as we see by the Tenos inscription) to dealings in real property would be incomplete and delusive.

We gather that in Ceylon parents were rather in the habit of trying to marry their daughters, as it were, above their means, by settling mortgaged land as dowry; and the law always regarded the dowry as a first charge. It is said[2] that if husband and wife have mortgaged land or a garden as security for a debt, without giving up possession, and then give the land as dowry, without stating the fact of its being encumbered, the gift holds good, and the creditor must recover from the general estate, the sons being liable, up to their capacity, for such debts. There is, however, a proverb,[3] "Immediate possession must be taken of dowry and pawns," and even a marriage settlement becomes void if the land ceded by it is not taken possession of within ten years from the execution of the deed.

[1] *Recueil des Inscr. Jur. Grecques*, i. p. 161.
[2] *Tesawalmai*, p. 26.
[3] *Ib.*, p. 2.

The practical connection between the law of marriage and inheritance and the law of mortgages, which has received an extraordinary development in Malabar, will be more readily understood when the complications of the latter have been described; but there are one or two points of ancient Babylonian usage, on which some light is thrown by our Ceylon code, that may take precedence of the general question of Malayalam land tenures. It will be remembered that in the early Babylonian deeds, one of the commonest of the possessions given with a daughter in marriage were slaves, one or more; similarly in Ceylon, according to the observant Mr. Isaaksz, the wealthy sometimes give "one of their slave-girls to a poor widow, in order that she may get a husband for her daughter by giving the slave-girl to her daughter, either as a gift or dowry." Slaves may be pledged as well as land, animals, fruit-trees, and jewels, and hence such a slave represents a small capital, apart from the value of her personal services. Otherwise, the position of slaves, as established by law and custom, was not such as to make their possession a source of much wealth. A slave could not marry the slave of another master without his consent. But if this consent was given, or if both parents belonged to one employer, apparently it was a matter of course for the wife to have a dowry, and for this and the acquisitions of the pair to pass to their children. If the father and mother have different masters, the children belong to their mother's master, who might allow them to retain their mother's property, though they would not inherit from the father, who belongs to somebody else.

It is exceedingly probable that in ancient Babylonia the slaves enjoyed just the same kind and measure of liberty as the Thesawaleme describes. Married slaves lived apart from their masters, earning their own living, and paying a yearly cash tribute (of four *fanams*). They were also required to fence their master's land (receiving maintenance while working for him), and to perform any share of Government work imposed on him; while their boys were required to herd his cattle. On the other hand, the employer had to make an allowance (of six *fanams*) to the female slave on the birth of a child, to defray all attendant expenses. Land or similar property belonging to slaves might be claimed by their master; but if they were sold without such claim being made, the first master's right lapsed, and the new employer apparently had no more claim than a second husband to the acquisitions of his predecessor. The property of childless slaves goes to their brothers and sisters, if these belong to the same master; otherwise each master takes the heir's share of that one of the married couple who belonged to him. But the general recognition of the family life and private property of the so-called slave is the strongest proof we could have, considering the date of the compilation, that the customs recorded are absolutely uninfluenced by European ideas.

"Land or a garden" are mentioned together as the objects most likely to be mortgaged, and the distinction probably corresponds roughly to the Egyptian and Babylonian description of "property in town or country."

Ibn Batuta, in a description of Malabar, which Mr. Logan declares might have been written literally at the present day, says that everybody has a garden, and his house placed in the middle of it,—after the manner of the ancient Egyptians. Barbosa says the Nairs live on their estates, which are fenced in, and to illustrate the respect shown for mothers and elder sisters, who are treated as mothers, he explains, "they support them with what they gain, because, besides their allowances, most of them possess houses and palm trees and estates, and some houses let to peasants, which have been granted by the king to them or their uncles, and which remain their property."

Visscher was informed that the noble families "all subsist on the produce of their own estates, and carry on no trade with the exception of bartering with one another."[1] The lands of these families, when not sublet, are cultivated by the inferior castes, the Helots of Malabar, who are subject to some ignominious observances, but not to material ill-treatment. The most numerous class, called Pulleahs, "are born slaves, but have certain privileges granted to them, which secure their maintenance so that none may perish by want. . . . They have the right of building and planting, for which labour they receive settled wages. . . . When the paddy is cut they receive the tenth part in payment, and a sort of black paddy which springs up fourteen days afterwards is also their perquisite."[2]

The result of official inquiries and observations, summed up in the "Standing Information" of the Madras Government, adds to these particulars that "the country was originally subdivided between a race of Brahman priests called Namboori and a military tribe called Nairs; these two holding in subjection the agriculturalists of the country. . . The Nairs paid no land tax, but attend the kings to the field with their retainers. The Namboories also paid no land tax, but furnished the expenses for the support of the temples."[3] In other words, as in Egypt, a priestly and a military class appeared to divide the overlordship of as much of the country as was not royal property, the token of such lordship being the right to levy land tax instead of paying it. Where the rajah was sole lord of the soil he received one-tenth of the fruits, elsewhere a smaller proportion.[4] At the same time, the primitive republican temper of the people had not been subdued by the consolidation of a great national monarchy, and so the military caste, instead of forming a royal army, constituted a popular protectorate, approaching on one side to the "Guardian" class imagined by Plato, and on the other to the police of the desert exercised by the wild Towarek.

Another Egyptian-like trait is described by Barbosa: "The king of Calicut keeps many clerks, as they write all the affairs of the king's revenues, his alms and the pay which is given to all, and the complaints which are presented to the kings, and, at the same time, the accounts of

[1] *Letters from Malabar*, pp. 122, 123.
[2] *Loc. cit.*, p. 71.
[3] *Malabar*, i. p. 288.
[4] Visscher, *Letters*, p. 75.

the collection of taxes."[1] They are called *menons*, or scribes of the palace, and write with an iron style upon the *olas* or leaves of cocoanut trees. The rajah received 20 per cent. on debts discharged by his order, and a fee on the execution or renewal of all deeds and contracts; while fines on the renewal of leases were levied on the accession of a new rajah. Legal suits were tried according to old custom *vivâ voce*, and concluded by a fiat of the rajah, who in obscure cases consults with his Brahmins.[2] Oaths are taken in disputed cases.

The native historian already quoted describes the general policy of the Chera kings as "peace at any price, and their policy and avocations as . . . more of a commercial than of a warlike nature." And he records an 18th century enactment, which seems to show that the rulers of the country had the same sense of their duty to the multitudes as well-conditioned Chinese and Babylonian princes. In 1776 it was enacted that: "Strict attention shall be paid to the charitable supply of water mixed with butter milk to the weary travellers on the road; and the public inns, where this water is supplied, shall be thatched and kept always clean. Payment for butter milk for this purpose shall be made daily, and the pay of the person employed in giving water shall be paid punctually every month." The art of calculating the rising of the sun, moon and stars, and the date of eclipses is included in primary education throughout Keralam.[3]

The astrologers, who are accounted a low but very important caste, follow the marumakkatayam system of inheritance, and are probably of non-Aryan race, and so repudiated by the Brahmins, though too strongly entrenched by custom to be superseded. The principal feasts of the year are connected with the Calendar. It is the custom for presents to be brought to superiors at the vernal equinox; the Dasara, a ten days' feast, meant to coincide with the autumnal equinox, is also called "the opening day and the closing day;" but without further information as to the history of the term in Malabar, it would be rash to think of any connection with the opening and closing of the books (recording the inundation) in the valley of the Nile. The greatest national feast is that of the new moon (August–September), and there can be no doubt as to the kinship of the "feast of lamps" at the new moon in the month Tulam (October–November), with the corresponding festivals in ancient Egypt and modern China. A cycle of sixty years is in use for chronological purposes, and deeds are dated in such a year of such a king "opposite" such another year,[4] counted from the date of his accession to the heirship of the Raj.

The customs of the different castes vary in minor particulars, but the following description of a Dravidian village, by a native writer[5] contains much that would be generally applicable, and will be a fitting introduction

[1] P. 110. [2] *Visscher*, p. 67.
[3] *Early History of Travancore*, by P. Shungoony Menon, 1878, pp. 30, 279, 49.
[4] Hultzsch, *Indian Antiquary*, Aug. 1891.
[5] T. Ramakrishna, *l.c.*, pp. 3–121. The relation between the Tamil villagers and the Nairs might be compared to that between the Laconian countrymen and the Spartans.

to the study of village life in China. The village in question has a population of about 300, with fifty or sixty houses; it was founded in the 11th cent. A.D., and contains ten families of Tulaval Vellalahs. The headman of this caste owns some fifty acres; has power of deciding petty civil cases and punishing slight crimes by fines or the cangue. He collects the revenues, reports births, deaths and rainfall to the Talookdar, the head of the district subdivision, and must also provide provisions for officials visiting the village.

The accountant is regarded as a scoundrel *ex officio*; the policeman watches the fields at night and convoys the taxes to the treasury. The Brahmin Purohita is asked by villagers what day the new moon falls, and when the anniversary of a husband's death should be celebrated, or when such and such a feast comes; when it is propitious to build, to buy bullocks, or to bring a daughter-in-law home. He casts horoscopes and performs ceremonies for the dead on the first, second, eighth, and sixteenth days, besides monthly and yearly ceremonies. There are two other Brahmins who do work in the temple;[1] seven acres of land in the village belong to it, of which they receive the fruits after providing for the lighting, etc., of the temple, besides the daily offerings of rice, which of course they consume themselves, and the offerings of fruit, nuts, etc., brought by the worshippers, as well as money. Extra gifts are made on occasion of festivals, when images are carried with flowers and jewels in procession.

The schoolmaster knows the Tamil version of the Mahabharata by heart. Twenty or thirty boys are in school for ten hours daily, with four monthly holidays, two at new and two at full moon. Four or five years suffice to teach reading, writing, and simple arithmetic, which is all that is aimed at. The *vythian*, or village doctor, knows a few medical treatises (in verse) by heart, and recommends religious ceremonies along with his drugs. The carpenter makes wooden ploughs, pestles, carts, and helps with the woodwork of houses. The blacksmith makes axes, spades, sickles, etc. The *ideiyan*, or cowherd, is proverbially stupid. He milks the village cattle morning and night, besides driving them to pasture and herding them all day. The washerman collects the clothes the villagers want washed in the morning and returns them at night, receiving from each a handful of food, cooked rice at night, and flour with broken rice in the morning; he also makes torches, with old rags, for religious festivals or entertainments.

The potter is a very important personage, as jars are used to hold all kinds of things. The potter acts as bone-setter, though other surgery is in the hands of the barber. The Panisiva—"one who serves"—is an official messenger who goes to carry invitations to distant relatives, and blows the conch-shell at funerals. The village usurer and bazaar keeper (chetty) rivals the accountant in ill-fame. The villagers have to pay their taxes to the Government in money by monthly instalments; if one wants money for this purpose, he borrows it from the money-lender, who charges no interest,

[1] There are two dancing girls (Devadasis=servants of God) in the village. They act as bridesmaids at Hindoo weddings and dance and sing on such occasions.

but requires to be repaid in grain at the harvesting season. At that time (from January to March), the average price of grain is, say, 27 measures for a rupee. This the money-lender stores in his granary till July, August, and September, when the average price is 19 measures to a rupee, so that he really clears 50 per cent. in six months.[1]

Two or three furlongs from the village is the *parcherry* of the pariahs; about one hundred live here, and are the servants of the landowners of the village. They are paid in grain at the rate of 48 measures of grain per month = 4*s.* or 5*s.* They do all the agricultural work. In case of epidemics, the Vellala headman comes to consult the aged pariah head. They work for the same masters from father to son, marry when their masters do and share their mourning. They are very industrious and hardworking; the hours of labour are from five to ten or eleven, and from three to six or seven. They are scrupulously honest and veracious—so much so that they will give truthful evidence in a law court against their own master—which the writer evidently thinks the strongest possible test.

The Valluvars act as priests for the pariahs. Tiruvalluvar, the author of the Kural, was a Valluvar. They "know a little astrology," and practise medicine in a rude form. The peasants' year is divided into five months of constant care and labour, ploughing, sowing, weeding, watering, and watching to guard the crops against bird, beast, and man. This is from July to December; the harvest lasts from January to March, and when finished there is a period of rest before and through the summer heats. Marriages are celebrated then, and juggling and theatrical entertainments find ready patronage. For the latter 5,000 or 6,000 persons from several villages round assemble; the performers are paid a pagoda (7*s.*) per night, but receive presents of all sorts besides, the leading villagers giving a present, which is publicly announced; 3*d.* is a handsome contribution. The Pongal feast is celebrated in January; the pongal, *i.e.* boiling of rice, is dedicated to Indra one day and to the cattle the next. Presents are made to sons-in-law and their wives at this feast.

Two other peculiar institutions, described at length in other parts of this work, are met with in Malabar—the Chinese lottery loans or money clubs and the antichretic mortgage, common to the Chinese with the ancient Babylonians, the Egyptians, the Berbers, and the Basques. But before dealing with these it will be convenient to mention the social idiosyncrasies of the Minicoy islanders, for which no parallel can be found nearer than in ancient Egypt. There can be little doubt that this island is the original of the "Island of women," mentioned by Hiouen-thsang, Marco Polo, and some Mahomedan travellers, and till recently believed to have only a mythical existence.

In 1876 a census of the island was taken by Mr. H. M. Winterbotham, Assistant Collector of Malabar, which goes far to explain and indeed to

[1] A Government that is at once simple-minded and benevolent of course estimates its revenue in grain of the average price, and takes the payment in kind when its value to the cultivator is lowest.

justify the legend. To obtain the desired information, the headman of the island issued orders to "certain women in authority, and they called together an adult female from every house. About 400 females assembled, and told off the numbers of their households with much readiness and propriety:" 383 males, or one from nearly every household, were returned as absent at sea at the time of the census. The islanders are bold seamen and experienced boat-builders; the men serve as pilots in the neighbourhood and to Arabia, and, like the islanders described by Marco Polo, "are capital fishermen and catch a great quantity of fine large sea-fish, which they dry for food and sale." Now, as then, the women gather the cocoanuts, and "their husbands do furnish them with all necessaries."[1]

Marco describes the people as baptized Christians, but maintaining the ordinances of the Old Testament—a misconception which may have been due to their scrupulous cleanliness and their rules on the subject of purification and the isolation of lepers. The streets are daily swept and the village kept clean; burial grounds for those who die of infectious diseases are separate and remote. The people are strictly monogamous, though they have long since been converted to Mahomedanism, and the women, in spite of the number of spinsters among them, will not hear of the abrogation of their law on this point. The local feeling is so strong that the Amin, or governor of the island, did not venture to indulge his avowed wish for a supplementary spouse. The women appear freely in public with their heads uncovered, and according to Mr. Winterbotham, take the lead in almost everything except navigation.[2]

Every woman in the island is dressed in silk, and every husband must allow his wife at least one candy of rice, two silk gowns, and two undercloths a year. And besides this exact counterpart to the alimentary pension of Egyptian wives, he also presents her on marriage with a fine betel pouch and other personal belongings. Courtship is a necessary preliminary to marriage, after which the wife remains in her mother's house, while the husband, as already mentioned, is frequently away. If daughters are numerous, they leave the parental roof in order of seniority, and the houses erected for them become their property. The men, it is reiterated, have no right of ownership over the houses—a fact which tempts us to wonder whether the significance of the Egyptian wife's title as "lady of the house," has been understood. The husband retains the power of divorce, but inconstancy of any kind is rare.

The village is divided for purposes of administration into *attiris* (seashore or male assemblies), and *varangis*, or female assemblies; the boys remain under the women till the age of seven. There are ten varangis, each under a headwoman, which corresponds with the hint at a system of tithings given in the proverbs quoted above. Minicoy is nominally subject to the Rajah of Cannanore, to whom, the islanders say, their ancestors commended themselves on condition of his protecting them against

[1] *Ante*, p. 455.
[2] *Malabar*, vol. ii. appendix xxi. *Laccadive Islands*, p. 277 ff.

pirates; but their "independence of mind" has shown itself in successful resistance to the oppressive monopolies under which the neighbouring islands suffer, and they only pay a reasonable tribute, collected in their own way. They produce the best coir in the market, and devote themselves almost exclusively to the cultivation of cocoanuts. "So little has the idea of property in the soil taken root that it is customary even now for a man to plant a cocoanut tree in his neighbour's back yard if his neighbour neglects this duty and if space is available;"[1] but the trees are private property and recognised by distinguishing marks, the evidence of which is not contested.

Oaths are employed in settling petty civil disputes, and particular solemnity is held to attach to those taken in the name of the Rajah and on the Koran, who inherit perhaps the reverence felt 5,000 years before for the king and the great gods in ancient Chaldæa. At the same time, the English official who gives all these particulars notes that, as in modern China, there is "no distinction between criminal offences and those constituted by commercial and fiscal arrangements, and the same summary proceedings were resorted to in all matters."[2] The disposition of the islanders is described as quiet and obliging; they differ in dress and personal appearance, as well as in manners and customs, from the adjoining islanders, being much smaller in stature, darker in complexion, and with very round faces. Photographs would easily reveal whether the approximation is towards the red race of the Egyptian monuments, or to the Gudea type; but to judge from institutions only, we should naturally conclude the islanders to have the same origin as the Nairs of the mainland, only to have diverged less from the primitive type, owing to their greater seclusion and immunity from foreign admixture.

The Dravidian *kuri*, or lottery, is said to have been handed down from very ancient times, and it is still commonly resorted to by any one desiring to raise a sum of money for some special purpose, such as a daughter's marriage. The organizer of the lottery induces his friends to subscribe a certain amount of money or rice, which they bring to his house. They are there entertained, and draw lots to decide which of the guests shall receive similar contributions next. On this occasion the organizer contributes as well as the rest, and a feast is always given by the recipient of the lump sum. This goes on till all have received their friends' contributions, the only element of chance being as to the date of repayment.[3] The feast seems an essential part of the business, and thus suggests that the origin of the institution may really be found in the common meals and common revenues of permanent societies, like the Cretan or Carthaginian clubs.

The land tenures of Malabar are exceedingly curious and perplexing. Agriculture is considered highly honourable, though the land does not appear to be always or even generally owned by the cultivator. It was,

[1] Logan, *Malabar*, vol. ii. p. 278. [2] *Ib.*, ii. p. 288.
[3] *Ib.*, i. p. 172. ii. p. 172. *Commentary*, chap. xi.

however, truly said at the beginning of the present century that "the division of the produce of the soil between the landlord and tenant was perfectly defined and confirmed by immemorial usage." The perplexing thing is that the landlord, or *janmi*, seems to have more the character of a feudal overlord than of a proprietor exacting commercial rent, while at the same time nearly all the recognised forms of tenancy seem derived from some kind of mortgage. We have already met with the same difficulty in Egypt, where the titular ownership of the land might remain vested in persons who had entirely surrendered its use. Both in Egypt and Malabar, the problem is to explain how it came about that the overlord, or political superior, should mortgage instead of letting his land, and in some cases mortgage it, as we should say to its full value, yet without forfeiting his *dominium*, for whatever that was worth.

The meaning of Jenm or Janmam is given as (1) birth, birthright, hereditary proprietorship, (2) freehold property, which it was considered disgraceful to alienate.[1] A military aristocracy apparently at some remote period took possession of the country in the name of a certain number of family communities. The portion of such families was the inalienable possession of the hereditary group. They paid no rent or taxes, but held the land on condition of rendering military services when required. They may have originally cultivated their holdings by the labour of slaves or family dependants,—as we imagine the hereditary lords of ancient Egypt to have done; or they may have employed the original inhabitants on the terms known as Verumpattam, or "simple lease," by which "the tenant is in fact a labourer on subsistence wages."[2] Mr. Logan interprets the word as the share of the produce, *vâram*, belonging to the *pâd*, or man in authority; *i.e.* that right to levy land tax, which the Pharaohs conferred on soldiers and priests.

The whole of the estimated net produce, after cost of seed and cultivation, is payable to the landlord, but a "good old custom" gives the tenant one-third of the net produce. This "good old custom" may be associated with the fundamental ideas of the earliest agricultural stock. It is said of the people of Jaffna, that when any person sows the fields of another without a previous agreement, "it is deemed sufficient if the sower pays to the proprietor the *taraivâram*, which signifies the ground duty, and is calculated to be one-third of the profits, except the tenth part, which is given to the proprietor previously."[3] Similarly, if a man plants palm trees on another man's ground (with his consent), he gets two-thirds of the fruits, provided he furnished the plants and the labour, the owner of the ground receiving the remaining one-third; but if the owner of the ground finds the plants, the planter gets one-third and the owner two-thirds; as in the hypothetical agreement suggested to explain the rate of agricultural interest in Egypt and Babylonia.[4] In Ceylon also, the debtor is not obliged to pay as interest more than the amount borrowed.[5]

[1] *Commentary*, p. 198. Cf. the Egyptian title, *epa*, with similar sense.
[2] *Ib.*, p. 93. [3] *L.c.*, p. 27.
[4] *Ante*, pp. 334, 335. [5] *Tesawalamai*, p. 26.

According to Major Walker [1] the rent of any particular piece of ground "is reckoned at the rate of two-thirds of the real produce to the *jenmkar* (or owner of the jenm), and one-third to the *patamkar*," the person taking the lease or patam. "Suppose a piece of land in a state of cultivation to be let that will receive ten *paras* of seed; on looking at the soil, the people who are appointed to judge this matter, estimate its produce at nine fold, or ninety *paras*. (The return for seed was said to vary from three to thirty fold.) The quantity of seed sown, or ten *paras*, is first deducted; a little less than a fourth part, or twenty *paras*, is also deducted to defray the expense of cultivation. The remainder of the gross produce, or sixty *paras*, will remain to be disposed of: this is divided into three parts, two of which belong to the jenmkar, and one to the patamkar." The two-thirds are called the patam or rent, but the deduction of all working expenses from the divisible profits actually makes the tenant's share of the produce come, in the case described, to five-ninths, or rather over one-half instead of one-third. So that the normal Malabar lease, and the terms of lease which was assumed in Ceylon, failing express stipulation to the contrary, seem to approach to the Babylonian agreement respecting "a field of half." [2] The supplementary tenth, which was to be paid in advance, probably on each renewal of the lease, reminds us of the payment "in the tenth year," vaguely alluded to in Babylonian deeds as "according to the custom of the people." [3]

Throughout Malabar land is still measured, as in the contract tablets of Babylonia, by the quantity of seed required to sow it in order to produce a given crop, so that the quality as well as the area of any plot is considered in the price. The superficial area is given for purposes of identification, but the real standard of measurement is the amount of the normal grain crop.

In Malabar every man with any pretensions to education is his own conveyancer, and there are a multiplicity of deeds, having each a clearly defined scope, by which the owner of land may pledge one fraction of his interest in it after another, while retaining his right to redeem at some future time; and land was seldom sold till the power of pledging it had been exhausted. "There is even one last resource, short of selling the land altogether, by which the landlord relinquishes the power to redeem, and has nothing left him but the nominal right of proprietorship," [4]—an apparently barren value, which, to our perplexity, the Egyptians also treated as requiring a separate deed for its conveyance.

In some leases a year's rent is paid in advance, and must be refunded on the determination of the lease. The tenant is in all cases entitled by custom to compensation, on eviction, for the dwelling-house he may have erected. The *kanam*, which comes next in order to the simple lease, is a deed by which the janmi makes over land in return for money or rice

[1] P. 7. This Report, made in 1801 on Land Tenures and Transfer in Malabar, was reprinted at Calicut in 1862, "for information," but is probably not generally accessible.
[2] *Ante*, p. 336. [3] *Ante*, p. 354. [4] *Malabar*, vol. ii. p. 184.

deposited with him; after which the mortgagee pays himself interest at the rate of 3 or 5 per cent. on the loan, and gives the janmi the customary share of the available residue. The custom on this point differed in Northern and Southern Malabar. In the former Mr. Wigram believes that the kanam was "really in its inception a usufructuary mortgage . . . and the rent reserved was a nominal sum to show that the janmi had not parted with his seignorial rights."[1]

In other words, the so-called rent was really in its origin a form of land tax or tribute. A community in the habit of bartering the use of money against that of land only begins to demand rent for the land, when the latter has become the property of a politically dominant class. The political superior in this case was of a liberal and kindly sort, and accordingly the rent exacted was either nominal or a fair metayage, with virtual fixity of tenure. But the view already expressed as to the political origin of agricultural rent is confirmed when we find the mere fact of political superiority giving rise to a system of disguised leaseholds, among a people to whom the idea of undisguised leases is apparently not merely unfamiliar but unintelligible.

In the English courts it has always been a matter of controversy whether a kanam should be treated as a lease or a mortgage. "Rent is payable in the case of every kanam, but all kanams partake also to some extent of the incidents of a usufructuary mortgage"[2] . . . a kanam is not wholly a lease, "as the land enures as security, if not for the principal, at least for the interest of the loan advanced." In Southern Malabar, where the kanam was originally known as "land lease," and the janmi's share amounted by custom to half the proceeds, while fees were regularly charged on the renewal of the lease every twelve years, though the form of a mortgage was retained, the effect was really that the tenant paid a lump sum for the right of occupancy, which served virtually as security for the payment of his rent.

*Kanam*, a term generally supposed to mean mortgage or pledge, is said to be only applicable to land, timber, trees, or slaves, *i.e.* the real property of the country. The legal vocabulary is extraordinarily copious. There is a deed called *kaluppanayam*, or "ploughshare pledge," which answers exactly to the Babylonian exchange of rent for interest; under this tenure the mortgagee has the right to cultivate the land, but the owner or landlord is free to pay off the loan when he pleases. *Undaruti Panayam*—so-called because it extinguishes itself—is "a settlement of the debt by the enjoyment of the profits for a specified term, answering to the *vivum vadium*, where the mortgagee holds the estate till the rent and profits repay the sum borrowed." *Otti* is the third deed in a series, which gives the mortgagee possession and the entire produce, the landlord merely retaining the proprietary title and power to redeem; "even the soil itself might drop away from the owner of a janmam holding, and yet leave him as completely as before the janmi of the whole of it."[3]. The Otti is also described as a

[1] *Commentary*, p. 100. [2] Mylasa (*ante*, p. 437), 24, 70.
[3] *Malabar*, vol. i. p. 607.

usufructuary mortgage, the interest on which almost, if not quite, extinguishes the usufruct, so that only a peppercorn rent is reserved to the mortgagor.[1] It differs from the "ploughshare pledge" in that it may have the character of an hypothecatory rather than a usufructuary mortgage, it being not essential to a *kanam* mortgage for possession to pass to the mortgagee.

Mr. Logan's view is that the janmi was never absolute lord of the soil, but that the military caste was paid for its services in the field by the concession of the right to levy land tax from certain estates; and that it was this right, and this right only, that the lord of the jenm could mortgage. On the other hand, it could never have occurred to a feudal warrior to mortgage the feudal rights,—which he was obviously unable to sell, while the military tenure was a reality,—unless the idea of raising money in this way upon inalienable property had been reached beforehand. In Malabar we see the adaptation to a feudal state of the antichretic mortgage invented in a commercial state; and, as the feudal fighting element subsided into peaceful agricultural life, a system of permanent, customary tenancy seems to have grafted itself upon the feudal adaptation of the primitive method of pledging or exchanging the use of land for that of money.

M. Dareste's comment on certain Greek leases executed in the form of mortgages might therefore well be applied to the men of Malabar: "On voit combien les Grecs etaient ingénieux pour trouver des combinaisons de formes juridiques adaptées aux besoins economiques de leur vie sociale." The combinations to which he refers were, however, effected at

[1] *Commentary*, p. 95.

Visscher's account of the matter is quite consistent with the above, but may be worth reprinting, because the slight variations in it may represent varieties of usage prevailing in different times or localities.

(1) There is the complete sale called Ali Patta, which does not often take place; when a person resigns all right over a garden or estate which he has sold, and the formulary of this deed runs thus: that he renounces stone and mud, splinters and thorns, snakes, great and small, and everything within the four corners of the estate to him and to his successors. If the estate is situated on the river bank, the number of feet to which it extends in the water is also certified.

(2) There is a mode of loan called Patta, which is very common and can only be explained by an example. Thus supposing a man has a garden worth 10,000 fanams, he sells it for 8,000 or 9,000 fs., retaining for the remainder of the value the right to the proprietorship of the estate; for these 1,000 or 2,000 fanams the purchaser must pay an annual interest. If the seller wishes at the end of some years to buy back his estate, he must restore the 8,000 or 9,000 fanams, and in addition the sum of money which shall have been fixed by men commissioned to value the improvements made upon the property in the interim, by fresh plantations of coca-palms or other fruit-trees. But if the purchaser or tenant become weary of the estate, and wishes to force it back on the original possessor, he can do so only at a loss of 20 per cent.

(3) Berampatta is a complete lease similar to those which take place among us.

(4) Kararna is a species of exchange: one man lends a garden to another, worth, for instance, 6,000 fanams, and borrows that sum, in return, for an appointed term of years, during which the fruits of the garden serve as interest.

(5) Mirpatta: a landlord gives to some individual a piece of waste land for building or planting with coco-palms, and receives no interest for it till the trees are so high that a Carnak, sitting on an elephant, can reach a leaf of them with his stick. A small sum of money is, however, paid beforehand for the use of the land. When the trees have attained the height above mentioned, the garden is taxed according to its value, and rent paid accordingly.—*Letters from Malabar*, p. 72.

the Carian town of Mylasa, and their invention may now, perhaps, be attributed to the earlier inhabitants of the country. The most characteristic deed [1] is one by which the treasurers of a tribe buy a man's land and then let it to him and his heirs for ever. There are separate acts for the sale and the lease, and it is stipulated that the holding must not be divided or transferred without the consent of the proprietors. Practically, as M. Dareste remarks, "the vendor, who takes a lease of the land he has sold, borrows on mortgage, and the purchaser acquires a ground rent." But such leases were most commonly granted in the case of city or temple property, and the gradual disuse of private contracts of the kind seems to show that they did *not* meet any special economic want in the social life of Greece. The normal term for a lease of sacred lands was ten years, and the farmer was allowed to renew for a second term at an advance of 10 per cent.,[2] and Malabar analogies help to explain or interpret both these incidents.

On any change of succession to the janmam the loan was either reduced in amount by 13 per cent., or a corresponding payment (not added to the debt) was made to the janmi, like a fine for the renewal of a lease. But unless the relation was advantageous to both parties, of course the tenant mortgagee would not pay the fine, though it appears in most cases that this class now depends for its well-being upon the customary right of renewal at the old rate. The English Government unfortunately seems to have begun by renewing the mistake made in the case of the Zemindars, and treated the janmis as absolute owners of the soil, with the result that the Mapillas both revolted and formulated the maxim: "It is no sin, but a merit, to kill a janmi who evicts."

Major Walker, however, looked upon the landowners as the victims of their astute tenants, and observed: "The Mapillas, who have a greater command of cash than any other class, are constantly on the watch to take advantage of the wants and the indiscretion of the original proprietors;" and he accuses that "crafty people" of unfair tricks, favoured by the absence of publicity for the transactions in question.

The value of land, to pledge or mortgage, was ascertained in the same kind of way, and with the same regard to local custom, as its letting value. The jenm right was always, according to Major Walker, estimated at half the real worth of the estate, or one-third of its selling price. The rent paid by an occupying mortgagee, in the example he gives,[3] is only 5 per cent. on the value of the land without the jenm. He takes the case of a *paramba* or property worth 1,500 fanams, mortgaged for 1,000 fanams, *i.e.* its full value less the jenm rights. The mortgagee must not sell his rights for more than he gave for them, or in any way alter the terms of the tenancy, because this impairs the owner's rights. The jenmkar by this deed (kayividu otti) cedes his right to reclaim the land on repayment at will, but he has the first right of redemption. He, or

[1] *Doc. jur. Grecques*, pt. ii. p. 272.
[2] *Ib.*, p. 265: *query* a fine of $\frac{1}{10}$ or one year's rent?
[3] *Report*, p. 1.

any one else, on redeeming the tenant right, has to pay for all improvements, including the planting of trees; and it is said that tenants who expect to be disturbed sometimes plant a number of young trees merely in order to be paid for them as an improvement.

If the owner wants to sell his remaining rights, he must give the first offer to his tenant creditor; and if the latter does not buy, he must surrender the land, that the lord may sell it, with all its rights, to some one else and pay off the mortgage out of the price. If the transfer of the jenmkar's rights is to proceed further, the next step is for him to execute two further deeds, each of which conveys an additional 20 per cent. of the whole value of the jenm; the first of these has the effect of making the tenant participate in the jenm rights—of which the chief, it seems, were the right to fell trees and to burn or bury corpses on the land; that is to say, the consent of both the landlord and tenant is required to either of these acts of sovereignty. When the second payment is received (raising the mortgage to 1,400 fanams), seven-eighths of the jenmkar's rights belong to the tenant, who may burn and bury at discretion, though the right of felling trees is still divided. After this the owner can only redeem if the tenant offers to let him. The last remaining 100 fanams of the price of the property is transferred, incidentally, in the course of the final sale or attipet ola; but the next heir can forbid the sale, and is not obliged to assign any reason for doing so.

When the primary object of the transaction is the granting of a lease to a cultivator, the *kanam* or pledge amounted by custom to two years' rent, the rent being estimated as already described. The kanam bears interest (at 5 or 7 per cent.), which the tenant deducts from his rent, as long as he pays that punctually. If the landowner's object is to raise money rather than to let his land, the kanam may be any sum short of the full value of the property; and if it is large, the interest eats up the rent, as in the typical Babylonian deeds.

Sir George Campbell[1] describes the surrender of the use of land in other parts of India, or a sort of *vifgage*, without specified limit of time, as the common resort of embarrassed owners to whom the idea of an absolute sale or surrender of land is unknown or unacceptable, but then it is the actual cultivator who appears as debtor or borrower; whereas in Egypt and Malabar this state of things is reversed, and the tenant cultivator lends on mortgage to his landlord.

The feudal character of the jenmkar's right betrays itself by its resemblance to the periodical demands of the feudal superior in mediæval Europe. The jenmkar was entitled on the renewal of the kanam to a remission of a fixed percentage on the original loan, so that, in course of time, the lease naturally fell in, unless the person in succession preferred levying a money fee instead of granting a renewed lease with a reduced kanam. But the agreement by which the creditor, in course of time, automatically paid himself off, gave the landlord and his heirs a never-ceasing

[1] *Cobden Club Essays, Systems of Land Tenure in Different Countries*, p. 232.

interest in the jenm. They never ceased to be able either to borrow money on the security of their land, or to let it at the rent which represented the pâd's share of the produce.

If the tenant wished to surrender, he was required to forfeit 10 or 20 per cent. of his original advance. If the extravagance or necessities of the proprietors led them to go on borrowing, instead of allowing the mortgages to pay themselves off—as occurred in many cases—the result was for the interests of the mortgagee to become stronger than those of the proprietor. And one reason for believing the whole system to have grown out of the landlordship of the Tarwads is, that joint owners are much likelier to have acquiesced in such a development than private freeholders.

Formerly, the kanam tenant might be evicted on the charge of misusing the land, or if his loan was paid off, and he himself compensated for all unexhausted improvements; but this theoretical right was practically never exercised. When the temptation arose to evict merely for the sake of obtaining a higher kanam from some land-hungry competitor, the English courts, after a time, came to the rescue, by setting up a customary right on the part of the mortgagee to hold for twelve years without disturbance, as the counterpart to the janmi's right to demand a fine on renewal at the same interval. They have also, with difficulty, been prevailed on to rule that mere non-payment of rent is not a ground for eviction, because the mortgagor has the remedy of letting the arrears accumulate till the period of redemption, and can then set off the arrears of rent against the kanam and compensation for improvements.

The rights of the mortgagor in these tenancies are to redeem at the end of the term on payment of what is due, to receive rent as it becomes due, or deduct it from the kanam at time of redemption, and to create a *melkanam* or higher mortgage, if he pleases. The rights of the mortgagee are to assign his term; to foreclose, or at least to sue, and then attach and sell the equity of redemption; and to claim compensation for unexhausted improvements at the period of redemption.

Akin to the Otti is the Peruvartham, under which land is mortgaged for its full market value, and can be redeemed only on the same terms, the tenant claiming the "unearned increment," if any. Mr. Krishna Menon suggests that *Kaividuga Otti* (=that has slipped out of one's hand) indicates that the equity of redemption is lost, but if the mortgagee wishes to sell, he is bound to give the option of purchasing to the jenmkar on repayment of the original advance. There are various stages reducing the owner's interest to a mere name between the otti and the final sale or Atti-pet, upon which the law concentrates all its formalities.

To give validity to such a deed of sale, according to Vyavahara Samudram, a law book (like those of the Mazaceni) in verse, "There should be six persons present: viz. people of pure caste, relations, a son, the scribe of the king, and people connected with the parties. Unless those here mentioned are present, no portion of land must be bought." Major Walker paraphrases this: one of the caste of the jenmkar (the person sell-

ing), one of his near kindred, the heir, a person on behalf of the sovereign, the person who draws out the deed, and the Deshâwali, the chief of the village or district. It is thus not any special disability of the Karnavan, or elder, that he cannot sell without the presence or assent of the eldest Anandravan, who is at once relative and heir. In Ceylon land might not be sold without notice being given to heirs or partners or neighbours who had adjacent land or held mortgages on that for sale, all such parties having a right of pre-emption.

Sales by a debtor, or from husband to wife, or father to son, are always viewed with suspicion. And the relation between the karnavan and his anandravans is so like that of the Cretan father and husband to the "belongings," that we can easily understand how laws came to be made in restriction of gifts to wives and daughters. The stringency with which the joint ownership of tarwad land has been kept up has perhaps rather favoured the growth of private property in other directions. The karnavan never even proposes to appropriate for the family the separate acquisitions or earnings of the juniors. All such acquisitions remain at the absolute disposal of the individual during his life, though it is said that in practice most men divide their earnings between their own family (of wife and children) and the tavali or tarwad, which includes their mother and sisters—the relatives whom Barbosa describes the Nairs of his day as supporting "with what they gain." Self-acquired land lapses to the tarwad if not disposed of during life, but other property goes to the acquirer's heirs, *i.e.* normally to his nephews. It is therefore especially the junior members of the tarawads engaged in productive pursuits, who are interested in the reform of the present law of marriage and inheritance.

Butler & Tanner, The Selwood Printing Works, Frome, and London.